

HB375 INTRODUCED



1 HB375
2 QD3U451-1
3 By Representatives Shaver, Oliver, Wadsworth, Woods, Colvin
4 RFD: Public Safety and Homeland Security
5 First Read: 21-Mar-24



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SYNOPSIS:

Under existing law, a nonresident whose home state or country does not require boater safety certification or the licensing of vessel operators may operate a vessel on the waters of this state without a boater safety certification for a period of not more than 45 days in any calendar year.

Also under existing law, a person of whom boater safety certification is required who operates a vessel without the required boater safety certification is guilty of a boating violation.

This bill would require all nonresidents to procure a boater safety certification in their home state or country or procure a Nonresident Alabama Boater Safety Certification prior to operating a vessel on the waters of this state, except under certain conditions.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or



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29 provides a local source of revenue, to the entity for
30 the purpose.

31 The purpose or effect of this bill would be to
32 require a new or increased expenditure of local funds
33 within the meaning of the section. However, the bill
34 does not require approval of a local governmental
35 entity or enactment by a 2/3 vote to become effective
36 because it comes within one of the specified exceptions
37 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

43

44 Relating to vessels; to amend Section 33-5-52, Code of
45 Alabama 1975, to establish the Nonresident Alabama Boater
46 Safety Certification; to require nonresidents to obtain the
47 certification prior to operating a vessel on the waters of
48 this state, with exceptions; to provide a penalty for a
49 violation; and in connection therewith would have as its
50 purpose or effect the requirement of a new or increased
51 expenditure of local funds within the meaning of Section
52 111.05 of the Constitution of Alabama of 2022.

53 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

54 Section 1. Section 33-5-52, Code of Alabama 1975, is
55 amended to read as follows:

56 "§33-5-52



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57 (a) (1) Every person shall procure a boater safety
58 certification before operating a motorized vessel upon the
59 waters of this state. This section does not apply to the
60 operation of any non-motorized sailboat, rowboat, or canoe.

61 (2) a. Notwithstanding any law to the contrary, an
62 Alabama resident 16 years of age or older who purchases a
63 vessel and who has not been previously issued a boater safety
64 certification, for a period of 30 days following the date of
65 sale of the vessel to the person, may operate the vessel upon
66 the waters, provided both of the following conditions are
67 met:

68 ~~a.~~ 1. The vessel has been registered in the name of the
69 person.

70 ~~b.~~ 2. A bill of sale for the vessel, indicating that the
71 person is the purchaser and owner of the vessel, is in the
72 possession of the person at all times of operation.

73 ~~(3)b.~~ A person ~~taking~~ who test drives ~~of vessels~~ a vessel
74 for sale, when accompanied by a licensed vessel dealer, shall
75 be exempt during the drive from the certification requirements
76 of this subsection.

77 ~~(4) Every new resident of this state, before operating~~
78 ~~a motorized vessel, shall procure the certification within 30~~
79 ~~days after establishing residence in this state.~~

80 (b) Each boater safety certification issued to a
81 person, if issued at the same time the person is issued a
82 valid Alabama motor vehicle driver or learner license, or
83 valid Alabama nondriver identification card, or if issued
84 prior to the expiration date of the driver or learner license



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85 or card, shall expire on the expiration date of the person's
86 valid Alabama motor vehicle driver or learner license or card.
87 In all other cases, the expiration date of each boater safety
88 certification shall be four years from the date of issuance.

89 (c) ~~Every~~ Upon application, a boater safety
90 certification issued under this article may be renewed at the
91 end of the certification period without examination ~~upon~~
92 ~~application~~. For the purpose of renewal of a boater safety
93 certification, ALEA shall mail renewal notices to each
94 certification holder 30 days after the expiration date if the
95 certification has not been renewed. A grace period of 60 days
96 after the expiration date of certification shall exist for the
97 purpose of certification renewal and the certification shall
98 be valid for this time period. The applicant shall apply for
99 renewal of certification any time during a period beginning 30
100 days before the expiration date of the then current
101 certification until three years after the expiration date of
102 certification. Failure to make application for renewal within
103 the specified time shall result in the applicant being
104 required to take, and successfully pass, a written or oral
105 examination administered by ALEA. ~~If any person's birthday is~~
106 ~~February 29, the first day of March following shall be~~
107 ~~regarded as the birthday for the purposes of this section.~~

108 (d) Nonresidents 12 or more years of age who have in
109 their immediate possession a valid boater safety certification
110 or vessel operator's certification issued in their home state
111 or country shall be exempt from the requirements of this
112 section, but under no circumstances shall a ~~person~~ nonresident



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113 be granted any privileges of operation beyond those granted to
114 an Alabama resident certification holder of the same age.

115 ~~(e) Nonresidents 12 or more years of age whose home~~
116 ~~state or country does not require boater safety certification~~
117 ~~or the licensing of vessel operators shall also be exempt from~~
118 ~~the requirements of this section for a cumulative operation~~
119 ~~period of not more than 45 days in any calendar year.~~

120 ~~Otherwise, any nonresidents shall be examined and~~
121 ~~certified~~ Except as provided in subsections (f) and (g), a
122 nonresident may operate a vessel upon the waters of this state
123 only after obtaining a valid boater safety certification or
124 vessel operator's certification issued in his or her home
125 state or country, or after obtaining a Nonresident Alabama
126 Boater Safety Certification upon examination and certification
127 under the same terms and conditions as Alabama residents.

128 ~~Nonresidents may be examined and obtain certification in any~~
129 ~~county and the certification shall be entitled "Nonresident~~
130 ~~Alabama Boater Safety Certification," but under no~~
131 ~~circumstances shall a person be granted any privileges of~~
132 ~~operation beyond those granted to an Alabama resident~~
133 ~~certification holder of the same age.~~

134 (f) A person operating a vessel pursuant to a valid and
135 legal commercial activity, during the period of time of that
136 activity only, shall be exempt from the requirement of boater
137 safety certification. ~~Otherwise, the person shall be subject~~
138 ~~to the requirement.~~

139 (g) A person, while using a rental vessel from a boat
140 rental business duly licensed by the applicable municipality



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141 or county, shall be exempt from the certification requirements
142 of this section if the following conditions are met:

143 (1) The rental contract specifies that the lessee has
144 been instructed in the proper and safe operation of the vessel
145 by the lessor or the authorized agent of the lessor.

146 (2) The lessor has complied with the terms of rental
147 contract and all parties sign the contract.

148 (3) The lessee signs a statement that the lessee is not
149 currently under suspension or revocation of any boater safety
150 certification or vessel operation privilege.

151 (4) A copy of the applicable rental contract is on
152 board the vessel while the vessel is in operation.

153 (h) A violation of this section is a boating violation.

154 Section 2. Although this bill would have as its purpose
155 or effect the requirement of a new or increased expenditure of
156 local funds, the bill is excluded from further requirements
157 and application under Section 111.05 of the Constitution of
158 Alabama of 2022, because the bill defines a new crime or
159 amends the definition of an existing crime.

160 Section 3. This act shall become effective on October
161 1, 2024.