

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 760

Department or Agency: Alabama Law Enforcement Agency (Formerly Alabama Department of Public Safety)

Rule No.: Chapter 760-X-6

Rule Title: Marine Patrol Boating Regulations

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Scottie Chandler

Scottie Chandler

Date

Friday, April 19, 2024

REC'D & FILED
APR 19, 2024
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA LAW ENFORCEMENT AGENCY (FORMERLY ALABAMA DEPARTMENT OF PUBLIC SAFETY)

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Law Enforcement Agency (Formerly Alabama Department of Public Safety)

RULE NO. & TITLE: Chapter 760-X-6 Marine Patrol Boating Regulations

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Agency wishes to adopt the Marine Patrol boating regulations in substantially the same format as they are currently housed under the Department of Conservation and Natural Resources, Title 220-6.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Agency until 5:00 p.m. on Tuesday, June 4th, 2024. Comments should be directed to Assistant Attorney General Kate Craig, 201 S. Union Street, Suite 300, Montgomery, Alabama 36104 or via electronic mail at Kate.craig@alea.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, June 4, 2024

CONTACT PERSON AT AGENCY:

Kate Craig, Assistant Attorney General
Kate.craig@alea.gov
(334) 546-7391

Scottie Chandler

Scottie Chandler

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA LAW ENFORCEMENT AGENCY (FORMERLY ALABAMA DEPARTMENT OF
PUBLIC SAFETY)
ADMINISTRATIVE CODE

CHAPTER 760-X-6
MARINE PATROL BOATING REGULATIONS

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760-X-6-.01 Vessel Identification Numbers.

(1) Every vessel identification number issued by the State of Alabama shall be divided into three parts.

(a) The first part shall consist of the capital letters "AL". The second part shall consist of not more than four Arabic numerals. The third part shall consist of not more than two capital letters. Each part shall be separated from the other by a hyphen or equivalent space. For example: AL-1234-AA.

(b) The identification numbers issued shall read from left to right and shall be in block characters of good proportion not less than 76 milliliters (three inches) in height and shall be of a color which will contrast with the color of the background, (i.e. dark numbers on light background or light numbers on dark background).

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.02 Application For Vessel Identification Numbers.

(1) All applications for vessel identification numbers issued under the State of Alabama's system shall include the following information and shall be submitted on forms furnished by the Alabama Law Enforcement Agency:

Name of the owner.

Address of the owner, including zip code.

Date of birth of the owner.

State in which vessel is or will be principally used.
The number previously issued by an issuing authority for the vessel, if any.

Whether the application is for a new number, renewal of a number, or transfer of ownership. Whether the vessel is used for pleasure, rent or lease, or dealer or manufacturer demonstration commercial passenger carrying commercial fishing, or other commercial use.

Make of vessel.*

Year vessel was manufactured or model year.*

Manufacturer's hull identification number, if manufactured after August 1, 1972.*

Overall length of vessel.*

Type of vessel (open, cabin, house, or other).*

Whether the hull is wood, steel, aluminum, fiberglass, plastic or other.*

Whether the propulsion is inboard, outboard, inboard outdrive, auxiliary sail, or sail, and name of engine manufacturer, if available.*#

Whether the fuel is gasoline, diesel, or other.*#

The signature of the owner.

Items marked with * may be omitted on applications submitted by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes. Items marked with # may be omitted on applications submitted by a person who intends to lease or rent a vessel without propulsion machinery.

(a) All requirements governing the application for number and certificate of number shall apply to rental boats, except that the description of the motor, if any, and type of fuel will be omitted from the application for number and the certificate of number in every case where the motor is not rented as part of the boat. All applications for rental boats operation will be

submitted to the Alabama Law Enforcement Agency. The certificate of number on rental boats shall be plainly marked "Rental Boat."

(b) Any vessel that is rented or leased, must have on board a copy of the lease or rental agreement, signed by the owner or his agent and by the person leasing or renting the vessel, that contains the following:

The vessel number that appears on certificate of number.

The period of time for which the vessel is leased or rented.

Number of persons on board at time of departure from place of rental.

It shall be unlawful to rent or to offer to rent any vessel that is not registered with the Alabama Law Enforcement Agency as a rental vessel.

The certificate of number for vessels less than 8 meters (26 feet) in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

(c) Bona fide boat dealers or boat manufacturers may procure a dealer's or manufacturer's certificate of number by submitting an application to the Alabama Law Enforcement Agency. The identification number awarded pursuant to such application shall be used by such dealers or manufacturers by having the same placed upon or attached to a removable board or similar object to be temporarily but firmly mounted upon or attached to the vessel being demonstrated.

(d) Applications for number and certificates by boat dealers or boat manufacturers for a dealer's tag shall not require a description of the boat, since the numbers

and certificates of number awarded may be transferred from one boat to another. In lieu of the description the word "manufacturer" or "dealer" as appropriate will be plainly marked on each certificate.

e) Each certificate of number must contain the following information:

Number issued to the vessel.

Expiration date of the certificate.

State of principal use.

Name of the owner.

Address of owner, including zip code.

Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.

Manufacturer's hull identification number, if manufactured after August 1, 1972.

Make of vessel.

Year vessel was manufactured.

Overall length of vessel.

Whether the vessel is an open boat, cabin cruiser houseboat, or other type.

Hull material.

Whether the propulsion is inboard, outboard, inboard outdrive, or sail.

Whether the fuel is gasoline, diesel or other.

(f) Each person using a vessel to which this regulation applies shall present the certificate or lease or rental agreement required by (b), (c) and (e) to any federal, state, or local law enforcement officer for inspection at his request.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.03 Placement of Vessel Identification Numbers.

(1) Each person purchasing a vessel identification number shall place said number on each side of the bow of the vessel for which it was purchased in such position as will make it clearly visible at all times.

(a) Such number may be placed on each side of the bow of the vessel by decals or paint. Such number shall be of block characters of good proportion and in no event less than 76 millimeters [(3) inches] in height and properly spaced so as to be easily readable and such paint or decals shall contrast with the color of the background upon which they are placed. Such numbers must at all times be maintained in a legible condition. Marine Patrol Troopers may require the owner of any vessel to repaint or reaffix such numbers when same are, in his/her judgment, not legible, or are improperly spaced.

(b) Operators of vessels used exclusively for racing are not required to paint or attach the vessels' license number to the bow; provided, however, the number shall be affixed or painted at some other conspicuous position in or on said vessel.

(c) In addition to the number herein required to be placed on each side of the bow of every licensed vessel,

the owner shall also be required to place a current-year decal within 151 millimeters (six inches) of the registration number on each side of the vessel at either the beginning or the end of his registration number. Such decals shall be given to the registration purchaser at the time he purchases his annual registration certificate.

(d) It shall be a violation of this regulation to operate or permit a vessel to be operated unless said vessel has attached to each side of the bow said registration number, together with the current-year decals. Only the current-year decal shall be displayed on vessel.

(e) A valid registration number issued to a vessel shall remain with that vessel until the vessel is destroyed, abandoned, or vessel is no longer principally used in the state where the certificate was issued.

(f) The person whose name appears on the certificate of number as the owner of the vessel shall remove the number and validation decal from the vessel when:

The vessel is commercially documented by the USCG.

The certificate of number becomes invalid for reasons other than annual expiration.

The vessel is no longer principally used in the state where the certificate was issued.

(2) U.S. Coast Guard documented vessels required to be registered under Alabama law shall not be required to display their Alabama registration numbers but shall be required to place their current year decal in a prominent place on the forward half of the vessel on the port and starboard sides.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail;
Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.06 Boating Accident Reports.

(1) Whenever a boating incident results in the (1) loss of life or the disappearance of any person; (2) injury to a person; (3) actual damage to any vessel, or to any other property in excess of two thousand dollars (\$2,000); the operator of said boat shall file, within 24 hours from the date and time of the incident, to the Alabama Law Enforcement Agency, a full description of the collision, accident, incident, or other casualty. The report must contain the following:

The numbers and names of each vessel involved.

The name and address of each owner of each vessel involved.

The name of the nearest city or town, the county, the state, and the body of water.

The time and date the casualty or accident occurred.

The location on the water.

The visibility, weather, and water conditions.

The estimated air and water temperatures.

The name, address, age or date of birth, telephone number, vessel operating experience and boating safety training of the operator making the report.

The name and address of each operator of each vessel involved.

The number of persons on board or towed on skis by each vessel.

The name, address, and date of birth of each person injured or killed.

The cause of each death.

Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

The name and address of each owner of property involved.

The availability and use of personal flotation devices.

The type and amount of each fire extinguisher used.

The nature and extent of each injury.

A description of all property damage and vessel damage with an estimate of the cost of all repairs.

A description of each equipment failure that caused or contributed to the cause of the casualty.

A description of the vessel casualty or accident.

The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).

The opinion of the person making the report as to the cause of the casualty.

The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.

The name, address, and telephone number of each witness.

The manufacturer's hull identification number (HIN), or serial number if no HIN is affixed, of the reporting operator's vessel.

The name, address, and telephone number of the person submitting the report.

(a) For the purpose of this regulation a "boat accident" means a collision, accident, or other casualty which occurs to, or is caused by, or in any other way, involves a vessel while being operated on the waters of this state.

(b) A vessel shall be considered to be involved in a "boat accident" whenever the occurrence results in damage by or to the vessel or its equipment; any injury or loss of life to any person or in the disappearance of any person resulting from the accident under circumstances which indicate the possibility of death or injury.

(2) This regulation shall be applicable to all vessels, except commercially documented vessels, which are within the jurisdiction of this state at the time of the accident, and to all vessels carrying Alabama registration numbers, regardless of where the accident occurs.

(3) Nothing in this regulation should be so construed as to show intent to excuse any vessel licensed by the State of Alabama which is involved in a boating accident in another state from complying with any laws or regulations of such other state regarding reports of boating accidents within the state. The necessity of reporting the accident to the officials of another state shall not exonerate or excuse any failure to file a report in the State of Alabama as herein required.

(4) The provisions of this regulation shall apply to all vessels operated on the waters of this state, except vessels commercially documented by the federal government, and regardless of whether or not the vessel involved in an accident is registered or required to be registered under Alabama law.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and § 33-5-62, Code of Ala. 1975.

760-X-6-.07 Traffic "Rules of The Road".

(1) The water traffic "Rules of The Road" in the State of Alabama shall be as follows:

(a) Vessels passing head-on shall keep to the right.

(b) Vessels overtaking another vessel may do so on either side but must keep out of the way of the vessel being overtaken.

(c) When vessels are crossing, the vessel which has the other on their own starboard side shall keep out of the way and must, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(d) Motorboats must keep out of the way of non-motor-powered boats except as follows:

When being overtaken by non-powered vessels.

For deep draft vessels that have to remain in narrow channels.

When vessel is towing another vessel.

(e) Motorboats must maintain a direct course when passing sail boats.

(f) Any vessel approaching a landing dock or pier shall yield the right-of-way to any departing vessel.

(g) Any vessel departing shoreline or tributary shall yield right-of-way to through traffic and vessels approaching shoreline or tributary.

(h) Vessels will not abruptly change course without first determining that it can be safely done without risk of collision with another vessel.

(i) If an operator fails to fully understand the course of an approaching vessel, he must slow down immediately to a speed barely sufficient for steerageway until the other vessel has passed.

(j) Vessels yielding right-of-way shall reduce speed, stop, reverse, or alter course to avoid collision. Vessel with right-of-way shall hold course and speed. If there is danger of collision, all vessels will slow down, stop, or reverse until danger is averted.

(k) Vessels will issue warning signals in fog or inclement weather.

(l) No mechanically propelled vessel shall be operated in a circular course around any other vessel or any person swimming.

(m) A vessel proceeding along the course of a narrow channel shall keep as near to the outer limit of the channel which lies on her starboard side as is safe and practicable.

(n) Vessels approaching or passing another vessel shall be operated in such manner and at such rate of speed as will not create a hazardous wash or wake.

(o) No vessel shall obstruct or interfere with take-off, landing, or taxiing of aircraft.

(p) All vessels shall be operated at safe speeds for given situations and must be under the complete control of the operator at all times.

(q) No vessel or person shall obstruct or block navigation channel, entrance to channel, mooring slip, landing dock, launching ramp, pier or tributary.

(r) Vessels shall keep at least 30.5 meters (100 feet) clearance of displayed diver's flag.

(s) Operator must maintain a proper lookout.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.08 Signal Devices Required.

(1) All vessels as hereinafter designated shall be equipped with signal devices for use during night-time operation (sunset to sunrise) and during inclement weather where visibility is greatly reduced.

(a) All vessels 4.9 meters [(16) feet] in length but less than 8 meters [(26) feet] are required to be equipped with an efficient whistle or other sound-producing mechanical device, whether operated by hand or power, capable of producing a blast of two seconds or more duration and audible for at least .8 kilometers (one-half mile).

(b) All vessels 8 meters [(26) feet] in length but not exceeding 12.2 meters [(40) feet] are required to be equipped with an efficient whistle or other sound-

producing mechanical device, hand or power operated, capable of producing a blast of two seconds or more duration and audible for a distance of at least 1.6 kilometers (one mile).

(c) All vessels exceeding 12.2 meters [(40) feet] in length shall be equipped with an efficient whistle or similar device, power operated, capable of producing a blast of two seconds or more duration and audible for a distance of at least 1.6 kilometers (one mile).

(d) Nothing in this regulation shall be so construed as exempting a vessel from any further signal devices which may be required by the United States Coast Guard or other governmental agency when operating on the navigable waters of this state.

(e) Recreational vessels 4.9 meters (16 feet) in length or larger operating in U.S. coastal waters and waterways that are greater than two nautical miles wide, must be equipped with U.S. Coast Guard-approved visual distress signals.

1. Vessels participating in a permitted event, such as a race, regatta, or marine parade are exempt from this requirement.

2. Open sailboats less than 8 meters (26 feet) in length and are not equipped with propulsion machinery are exempt from this requirement.

3. Manually propelled vessels are exempt from this requirement.

4. If pyrotechnic devices are selected, a minimum of three signals are required for day use and three signals for night use.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.09 Navigation Lights Required.

(1) The following designated vessels shall be required to display, when under way between sunset and sunrise, and between sunrise and sunset in restricted visibility, the following specific lights:

(a) Manually propelled vessels less than 7 meters (23 feet) in length shall have readily at hand a lantern or flashlight showing a white light which shall be temporarily exhibited by the operator in sufficient time to prevent collision.

(b) All mechanically propelled vessels, and combination sail and power vessels when under power, less than 12 meters (39.4 feet) in length shall have one combination light in the fore part of vessel showing red to port and green to starboard from dead ahead to 112.5 degrees on each side (225 degrees combination), visible at least 1.6 kilometers (one mile), along with either one bright, white light at the stern showing all around the horizon (360 degrees), or a masthead light placed as nearly as practicable to the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from dead ahead to 112.5 degrees on both sides of the vessel in addition to a stern light placed as nearly as practicable at the stern showing an unbroken white light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees on each side of the vessel, visible at least 3.2 kilometers (two miles). All around white lights and masthead lights stipulated in this paragraph (b) shall be carried at least one (1) meter (3.28 feet) higher than sidelights or red and green combination lights.

(c) Mechanically propelled vessels, and combination sail and power vessels when under power, that are 12 meters (39.4 feet) in length but less than 20 meters (65.6 feet) in length shall have on the port side, properly screened, a red light which shall show from dead ahead to 112.5 degrees on that side, visible at least 3.2 kilometers (two miles); and on the starboard side, properly screened, a green light which shall show from dead ahead to 112.5 degrees on that side, visible at least 3.2 kilometers (two miles); or one combination light in the fore part of the vessel showing red to port and green to starboard from dead ahead to 112.5 degrees on each side (225 degrees combination), visible at least 3.2 kilometers (two miles); one white masthead light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from dead ahead to 112.5 degrees on both sides of the vessel, visible at least 4.8 kilometers (three miles) along with a stern light placed as nearly as practicable at the stern showing an unbroken white light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees on each side of the vessel visible at least 3.2 kilometers (two miles).

(d) Sail vessels under sail only, less than 20 meters (65.6 feet) in length shall have one of the following light configurations:

1. One combination light forward showing red and green lights over 225 degrees with red to port and green to starboard, together with a 135-degree white light at the stern all of which will be visible at least 3.2 kilometers (two miles).
2. One properly screened red light on the port side showing from dead ahead to 112.5 degrees on that side, visible at least 3.2 kilometers (two miles), and one properly screened green light on the starboard side showing from dead ahead to 112.5 degrees on that side,

visible at least 3.2 kilometers (two miles) and on the stern a 135-degree white light visible astern for at least 3.2 kilometers (two miles).

3. One combination lantern with red to port, green to starboard and white to the stern carried at or near the top of the mast where it can best be seen, visible at least 3.2 kilometers (two miles).

(e) All vessels of whatever description or size when anchored on the waters of this state shall carry and display a steady white light showing all around the horizon (360 degrees), visible at least 3.2 kilometers (two miles), as a warning signal to avert collisions.

(2) The lights required above may also be displayed in any other circumstances when it is deemed necessary by the operator.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.11 Personal Flotation Devices (PFD) Required.

(1) Every vessel operated on the waters of this state is required to have on board at least one U. S. Coast Guard-approved personal flotation device (PFD) for each occupant aboard the vessel as specified below:

Class I less than 4.9 meters (16 feet): a Level 70 or greater (previously classified as Type I, II, or III)

Class II 4.9 meters (16 feet) but less than 8 meters (26 feet): a Level 70 or greater (previously classified as Type I, II, or III)

Class III 8 meters (26 feet) but less than 12.2 meters (40 feet): a Level 70 or greater (previously classified as Type I, II, or III)

Class IV 12.2 meters (40 feet) and over: a Level 70 or greater (previously classified as Type I, II, or III)

(a) An Inflatable PFD (previously classified as Type V (hybrid)) may be carried in lieu of any PFD required in 760-X-6-.11, paragraph (1) if that Inflatable PFD is U.S. Coast Guard approved for the activity in which the recreational boat is being used, and if it is worn while underway in open boats and when not within an enclosed space on larger boats. The Inflatable PFD must be U.S. Coast Guard approved and labeled for use on recreational boats.

(b) In addition to the PFD requirements above, all recreational boats 4.9 meters (16 feet) or greater in length operated on the waters of this state shall carry at least one Throwable PFD (previously classified as a Type IV PFD) (cushion or ring buoy) as a throwable device.

(c) All required PFDs must be placed or stored on the vessel in such a manner as to be readily accessible in case of emergency.

(d) PFDs that are torn, rotted, or damaged lose their U.S. Coast Guard approval.

(e) All PFDs shall be of the proper size for occupants on board.

(f) The Alabama Law Enforcement Agency, through its enforcement officers, shall have the right to inspect any required safety equipment aboard any vessel operated on the waters of this state or any safety equipment offered for rent.

(g) Any safety equipment found to be in an unserviceable condition may be stamped or marked as unserviceable equipment and its use prohibited.

(h) Nothing in this regulation shall be interpreted so as to mean that stamping or marking shall be a prerequisite for prosecuting a person who violates any provision of this regulation.

(i) Type I, II, III, and IV PFDs may be carried in lieu of any corresponding PFD required in 760-X-6-.11 as long as they meet all requirements set forth by the U. S. Coast Guard and this regulation.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.13 Ventilation Requirements.

(1) Every motorboat except those of open construction using as fuel any inflammable or toxic fluid in any enclosure shall be provided with an efficient natural or mechanical ventilation system which is capable of removing inflammable or explosive gases.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.17

Permit For Marine Events Required.

(1) No person, organization, or association shall sponsor or hold any marine regatta, race, trial runs, parade, tournament, or exhibition that interferes with marine traffic or creates a potential safety hazard until said event has been approved either by the Alabama Law Enforcement Agency, or the United States Coast Guard.

(a) Any person, organization or association desiring to hold or sponsor such regatta, race, trial runs, parade, tournament or exhibition on the waters of this state which are navigable waters of the United States and on which the United States Coast Guard maintains aids to navigation and which area is normally used for commercial traffic or navigation shall make application for such event to the Alabama Law Enforcement Agency and to the responsible Coast Guard district under such rules as that agency prescribes.

(b) Any person, organization or association desiring to hold or sponsor such regatta, race, trail runs, parade, tournament or exhibition on the waters of this state other than those waters described in subparagraph (1)(a) hereof shall make written application for such event to the Alabama Law Enforcement Agency on forms provided by said agency which application must be submitted at least fifteen (15) days before the date of the proposed event. Upon approval by the Alabama Law Enforcement Agency of the said marine event application, a written permit shall be issued to the applicant.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.20 Personal Flotation Device (PFD) To Be Worn Below Dam.

(1) It shall be unlawful for any person to operate any vessel on the waters of this state within 244 meters (800 feet) below a hydroelectric dam and/or navigation lock and dam unless each person aboard, including the operator, is wearing a U. S. Coast Guard-approved personal flotation device (PFD) Level 70 or greater (previously classified as Type I, Type II, Type III, or Type V).

(a) Such personal flotation devices will be worn and securely fastened in accordance with manufacturer instructions and recommendations for such personal flotation devices.

(b) This regulation is not intended to affect regulations promulgated by other governmental agencies, federal or state, related to activities that may or may not be conducted within 244 meters (800 feet) of such dams.

(c) Type I, II, III, or V PFDs may be worn in lieu of any corresponding PFD required in 760-X-6-.11 as long as they meet all requirements set forth by the U. S. Coast Guard and this regulation.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.22 Flame Arrestor.

(1) Every motorboat using gasoline as fuel except outboard motors shall have the carburetor or carburetors

of every engine therein equipped with a flame arrestor or backfire trap approved by the United States Coast Guard, Underwriters Laboratories (UL 1111) or the Society of Automotive Engineers (SAE - J-1928).

(2) All required flame arrestors or backfire traps must be in good and serviceable condition.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.23 Noise Level Restriction.

(1) It shall be unlawful for any person to operate or give permission to operate any vessel powered by an engine or outboard motor on the waters of this state in such a manner as to exceed a noise level of 86 decibels as measured by the Society of Automotive Engineers (SAE) Stationary Sound Level Measurement Procedure SAE-J-2005 or as measured by the Society of Automotive Engineer (SAE) Shoreline Sound Level Measurement Procedure SAE J-1970.

(a) It shall be a violation of this regulation for any person reasonably suspected by a Marine Patrol Trooper or other authorized law enforcement officer to be operating a vessel that exceeds the noise limitation prescribed herein to refuse to submit his vessel for a noise emission test.

(b) The provisions of this regulation shall not apply to vessels competing in a regatta, boat race or speed trial run provided that such regatta, race or speed trial has been officially approved by the Alabama Law Enforcement Agency or United States Coast Guard and is being

conducted during the time and in the designated area authorized by the permit.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.24 Swimming Areas at Gulf Shores.

(1) For the purposes of this regulation, the Municipal Swimming Area of the City of Gulf Shores is defined as that portion of the Gulf of Mexico bounded on the north by the main public beach area of the City of Gulf Shores at the intersection of State Highway 59 and State Highway 182 and bounded on the south by a line running parallel to the mean high tide line along said beach area at a distance of 122 meters (400 feet) from the mean high tide or at such lesser distance from the mean high tide line as the City of Gulf Shores may designate from day-to-day by means of buoys or other markers.

(2) Except as provided in paragraph (3) below, during the period from March 1 through October 31 of each year, no person shall operate a vessel, sailboard, surfboard, windsurfer, water skis, aquaplane, paddleboat or other watercraft in the Municipal Swimming Area of the City of Gulf Shores at any time during the hours from sunrise to one hour after sunset.

(3) This regulation shall not apply to officers and agents of the United States, the State of Alabama, Baldwin County, or the City of Gulf Shores when acting in the line and scope of their duty in the implementation or enforcement of federal, state, or local laws and regulations.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail;
Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652, (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and §33-5-62, Code of Ala. 1975.

760-X-6-.26 Rearview Mirrors on Personal Watercraft.

(1) The specifications for rearview mirrors on personal watercraft used for towing any person shall be as follows: Each mirror shall contain a minimum viewing area size of 65 square centimeters [ten (10) square inches], a minimum viewing area height of 64 millimeters [2.5 inches], and a minimum viewing area width of 100 millimeters [4.0 inches]. Said mirrors shall be mounted or attached on both the right and left sides of the personal watercraft so as to provide the maximum reward observation by the operator. Mirrors shall not be mounted or attached to the steering mechanism of the personal watercraft. The minimum combined viewing area of both mirrors shall be 130 square centimeters [twenty (20) square inches].

(2) It shall be a violation of §4(g) of Act No. 94-652 (Regular Session, 1994) and Section 33-5-62, Code of Ala. 1975, to tow any person by personal watercraft unless said watercraft meets all of these specifications.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail;
Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

760-X-6-.27 Fleeing Or Attempting to Elude Marine Patrol Trooper.

(1) Any driver of a vessel who willfully fails or refuses to bring his vessel to a stop, or who otherwise flees or attempts to elude a pursuing marine Patrol

Trooper, when given a visual or audible signal to bring the vessel to a stop, shall be in violation of this regulation. The signal given by the Marine Patrol Trooper may be by hand, voice, emergency light or siren.

(2) The penalty for the violation of this regulation shall be as provided in §15 of Act No. 94-652 (Regular Session, 1994) and § 33-5-62, Code of Ala. 1975. In addition, any person convicted of violating this regulation shall be subject to the suspension provisions of §29 of Act No. 94-652 (Regular Session, 1994) and § 33-5-75, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§15 and 29 of Act No. 94-652 (Regular Session, 1994) and §§ 33-5-62 and 33-5-75, Code of Ala. 1975.

760-X-6-.28 Altering Or Defacing of Boater Certification (License).

(1) Any person who willfully or knowingly alters or defaces a boater certification (license) shall be in violation of this regulation.

(2) The penalty for the violation of this regulation shall be as provided in §15 of Act No. 94-652 (Regular Session, 1994) and § 33-5-62, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

Penalty: As provided by §15 of Act No. 94-652 (Regular Session, 1994) and § 33-5-62, Code of Ala. 1975.

760-X-6-.29 Operation of Vessels.

(1) The following point system is hereby established for various violations of the Alabama boating safety laws and regulations; points shall be assessed for various violations as follows:

(a) Any conviction which resulted from a charge that involved the drinking of alcoholic beverages and the operation of a vessel but does not require mandatory suspension or revocation of the boater safety certification.....6 points

(b) Reckless operation (§24 of Act No. 94-652, §33-5-70)6 points

(c) Careless operation (§24 of Act No. 94-652, §33-5-70)5 points

[Note: §29(j)(7) of Act NO. 94-652 [§33-5-75] provides that convictions within a twelve (12) month period of time upon 3 charges of either (2) or (3) above shall result in the mandatory revocation of the boater safety certification or vessel operating privilege. In addition, §29(k)(5) of Act No. 94-652 [§33-5-75] provides that habitual violations of either (2) of (3) above may result in the suspension of the boater safety certification or vessel operating privilege.]

(d) Failure to comply with waterway rules of the road (Rule 220-6-.07)4 points

(e) Restricted view of operator (§25 of Act No. 94-652, §33-5-71)4 points

(f) Non-compliance with waterway traffic control devices (buoys/signs) ...3 points

(g) Failure to submit accident report as required in §33-5-25,

Code of Ala.1975.....3 points

(h) All safety equipment
violations.....
2 points

(2) The following schedule is used to determine the
length of a suspension period:

12-14 Points in a 2-year period.....60 days

15-17 Points in a 2-year period.....90 days

18-20 Points in a 2-year period.....120 days

21-23 Points in a 2-year period.....180 days

24 and above points in a 2-year period....365 days

(3) Any person who is assessed points as provided for
above shall be subject to the suspension of their boater
safety certification for such period of time as provided
for above.

(4) After a conviction is 2 years old, it loses its point
count for suspension purposes but remains on the
operator's record.

(5) Action taken by the Alabama Law Enforcement Agency
pursuant to the point system provided for herein shall
be in accordance with the procedural requirements of §29
of Act No. 94-652 and § 33-5-75, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail;
Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62; §15 of Act
No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

760-X-6-.30 Examination For Boat Operator's Certification.

(1) The examination or test to be given applicants for
boat operator's certification shall be of similar length

and content as the motor vehicle driver license examination. The method and manner of giving the test and of ascertaining and reporting the results shall also be similar to the procedure followed for the motor vehicle driver license examination. Reports of all examinations shall be on forms provided by the Secretary and shall show whether or not the applicant passed the examination.

(2) The written examination used for testing applicants shall contain approximately 25 multiple choice questions. The examination shall be in at least four (4) different forms, which shall be utilized on a rotating basis. The general subject areas covered on the examination shall consist of the following areas:

(a) Knowledge of equipment requirements, such as PFDs, fire extinguishers, emergency cut-off switch, navigation lights, flame arrestors, Alabama regulations, sound devices, diver's flags, ventilation, mufflers, and other equipment;

(b) Knowledge of safe operation and waterway rules of the road, including such matters as operator awareness, overloading and overpowering, speed regulations, motorboat operator's age, reckless and careless operation, personal watercraft, DUI, operator's restricted vision, rules of the road, interference with navigation, rearview mirrors for personal watercraft, vehicular homicide, water skiing, and other related matters;

(c) Aids to navigation, including such matters as uniform state waterway marking system, federal waterway marking system, and other related matters; and

(d) Boating accidents, including such matters as requirements for submitting accident reports, and other related matters.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail;
Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-53; §6 of Act No. 94-652 (Regular Session, 1994).

History: New Rule: Published _____; effective _____.

**760-X-6-.35 Boater Safety Certification/Vessel Operating
Privilege Suspension Period Guidelines - Section
33-5-75(k).**

(1) Under Section 33-5-75, Code of Ala. 1975, paragraph (k), the Secretary of the Alabama Law Enforcement Agency may suspend the certification or operating privilege of a vessel operator without preliminary hearing upon a showing by its records or other sufficient evidence that the operator did the following:

"(1) Has committed an offense for which mandatory revocation is required upon conviction.

(2) Has been convicted of any offense under Section 32-5A-191.3 which provides for suspension.

(3) Has been convicted of any offense of any law or regulation which provides for suspension.

(4) Has been convicted with frequency of serious offenses against boating or vessel operation laws or regulations governing the movement of vessels as to indicate a disrespect for boating or vessel operation laws and a disregard for the safety of other persons on the waters of this state.

(5) Is an habitually reckless, careless, or negligent operator of a vessel, established by a record of accidents, or by other evidence.

(6) Is competent to operate a vessel.

(7) Has permitted an unlawful or fraudulent use of certification.

(8) Has committed an offense in another state which is committed in this state would be grounds for suspension or revocation.

(9) Has been convicted of fleeing or attempting to elude a marine patrol trooper.

(10) Has violated a restricted boater safety certification pursuant to Section 33-5-61."

(2) Subject to the provisions of Section 33-5-75, Code of Ala. 1975, the following suspension period guidelines are established for the matters referred to in subparagraphs (1) - (10) of paragraph (k) of Section 33-5-75, listed in paragraph (1) above:

(a) For § 33-5-75(k)(1), during the pendency of any proceeding for an offense for which mandatory revocation is required upon conviction;

(b) For § 33-5-75(k)(2), the mandatory suspension period provided for under Section 32-5A-191.3;

(c) For § 33-5-75(k)(3), as determined by the Secretary of the Alabama Law Enforcement Agency, consistent with said law or regulation and, if applicable, with the provisions of Rule [220-6-.29](#), entitled "Point System/Operation of Vessels";

(d) For § 33-5-75(k)(4), 90 days;

(e) For § 33-5-75(k)(5), 90 days;

(f) For § 33-5-75(k)(6), during the period of incompetency;

(g) For § 33-5-75(K)(7), 90 days;

(h) For § 33-5-75(k)(8), as determined by the Secretary of the Alabama Law Enforcement Agency based on the applicable period of suspension had the offense occurred in Alabama;

(i) For § 33-5-75(k)(9), 90 days; and

(j) For § 33-5-75(k)(10), 60 days.

(3) Action taken by the Alabama Law Enforcement Agency pursuant to the provisions contained herein shall be in accordance with the procedural requirements of Section 33-5-75, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62.

History: New Rule: Published _____; effective _____.

760-X-6-.36 Idle Speed Zones for Certain Gulf Waters.

There is hereby established in "idle speed zone" for all motorized vessels operated within the following areas:

(1) from the shoreline of the Gulf of Mexico to the southernmost edge of the first sand bar located seaward of the shoreline in that area, extending from the Florida line westward beyond Fort Morgan to the westward end of the island; provided however, such area shall not include the area of Perdido Pass south of the bridge; and

(2) from the south shoreline of Dauphin Island southward for a distance of 100 yards from the shoreline in that area, extending from Ft. Gaines westward to the end of the island. It shall be unlawful to operate any motorized vessel, including personal watercraft, in excess of idle speed within the above-described "idle speed zones." For the purposes of this regulation, "vessel" is defined as provided in § 33-5-3, Code of Ala. 1975, and "personal watercraft" is defined as provided in § 33-5-51, Code of Ala. 1975, and "idle speed" is hereby defined as the slowest speed at which a said vessel or watercraft can be operated and maintain steerage. The penalty for the violation of this

regulation shall be a boating violation as provided by § 33-5-62, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, §§ 33-5-62, 33-5-73.

History: New Rule: Published _____; effective _____.

760-X-6-.50 Securing of Marine Sanitation Devices.

(1) It shall be unlawful for any person to operate a recreational vessel or residence boat on the waters of this state where the discharge of treated or untreated sewage is prohibited unless the operator secures each Type I and Type II Marine Sanitation Device (MSD) in a manner which prevents discharge of treated or untreated sewage. Acceptable methods of securing the device include:

- (a) Closing the seacock and removing the handle;
- (b) Padlocking the seacock in the closed position;
- (c) Using a non-releasable wire-tie to hold the seacock in the closed position; or
- (d) Locking the door to the space enclosing the toilets with a padlock or door handle key lock.

(2) It shall be unlawful for any person to operate a recreational vessel or residence boat on the waters of this state where the discharge of untreated sewage is prohibited unless the operator secures each Type III Marine Sanitation Device (MSD) in a manner which prevents discharge of sewage. Acceptable methods of securing the device include:

- (a) Closing each valve leading to an overboard discharge and removing the handle;
- (b) Padlocking each valve leading to an overboard discharge in the closed position; or

(c) Using a non-releasable wire-tie to hold each valve leading to an overboard discharge in the closed position.

(3) Any person violating any of the provisions of this regulation shall be punished as provided by § 33-6A-8, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-6A-2.

History: New Rule: Published _____; effective _____.

Penalty: As provided by Code of Ala. 1975, § 33-6A-8.

760-X-6-.53 Refusal to Submit to Inspection.

(1) Section 33-5-11, Code of Ala. 1975, requires a certificate of registration to be available at all times for inspection on the vessel for which issued whenever the vessel is in operation. Section 33-5-22, Code of Ala. 1975, requires every vessel while being operated on the waters of this state to be equipped with the reasonable safety devices and lights as may be required under regulations promulgated by the Secretary of the Alabama Law Enforcement Agency. Section 33-5-52, Code of Ala. 1975, requires persons, except those specifically exempted by statutory enactment, to procure a boater safety certification before operating a motorized vessel upon the waters of this state. Section 33-6A-8, Code of Ala. 1975, permits the inspection of recreational vessels or residence boats for compliance with Sections 33-6A-1 through 9, Code of Ala. 1975, and department rules promulgated thereunder at any time if there is probable cause to believe that a violation has occurred.

(2) Any person who refuses to allow inspection of the certificate of registration or boater safety certification described above, or who refuses to allow inspection of a vessel for the purposes of determining compliance with the reasonable safety devices and lights requirement described above, shall be in violation of this regulation and shall be punished as provided by §33-5-62, Code of Ala. 1975.

(3) Any person who refuses to allow the inspection of a vessel or residence boat for determining compliance with Sections 33-6A-1 through 9, Code of Ala. 1975, and department rules promulgated thereunder described above, shall be in violation of this regulation and shall be punished as provided by §33-6A-8, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, §§33-5-62, 33-6A-2.

History: New Rule: Published _____; effective _____.

Penalty: As provided by Code of Ala. 1975, §§33-5-62, 33-6A-8.

760-X-6-.59 Closure To Vessels and Watercraft - Portion of Gulf Waters Adjacent to Certain Pier.

Effective immediately, unless otherwise authorized by the Alabama Law Enforcement Agency, and until further official notification by the Secretary of the Alabama Law Enforcement Agency, the following waters shall be closed to the operation of all vessels and watercraft: Those waters of the Gulf of Mexico within a distance of 100 yards of any saltwater fishing pier operated by the State of Alabama, Department of Conservation and Natural Resources, or its authorized agent.

Any person violating any of the provisions of this regulation shall be punished as provided by Code of Ala. 1975, § 33-5-62.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62.

History: New Rule: Published _____; effective _____.

760-X-6-.60 Disposal Of Trash, Garbage, Or Plastics from A Vessel.

(1) It shall be unlawful for any person to do or attempt any of the following from a vessel: to discharge overboard, or place in or upon the waters of the state,

any trash, garbage, or plastics. Such items must be taken to shore and legally disposed of on land.

(2) All vessels shall have on board a container or storage compartment for the proper disposal of trash, garbage, or plastics. Such container or storage compartment shall assure that such waste, trash or plastics cannot be inadvertently blown overboard.

(3) All vessels shall have a container or bag that is appropriate for moving trash, garbage or plastics to shore for legal disposal.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62.

History: New Rule: Published _____; effective _____.

760-X-6-.61 Marine Sanitation Device (MSD) Inspections and Appointment of Special Agents.

(1) The Alabama Law Enforcement Agency will designate special agents to conduct annual inspections on those vessels and residence boats required to be inspected by § 33-6A-6, Code of Ala. 1975. These special agents will be required to have the following credentials as recognized by the ALEA:

(a) The special agent must possess a Federal Tax Identification Number/EIN.

(b) The special agent must possess the applicable business licenses required by the county and/or municipality where they are headquartered.

(c) The special agent must be bonded for a minimum of \$10,000 indemnity.

(d) The special agent must receive initial training designated or provided by the Alabama Law Enforcement Agency for the proper recognition and technical understanding of marine sanitation devices, to be

followed by periodic refresher certification as outlined by ALEA policy.

(e) The special agent must contractually agree to abide by all policies and procedures established by the Alabama Law Enforcement Agency.

(2) The Alabama Law Enforcement Agency will provide inspection forms and decals to the special agent for conducting the inspections.

(a) All forms and fees required in this regulation must be filed with the Alabama Law Enforcement Agency by the 10th day of the following month. The forms must include the following and any other information specified by the Secretary of the Alabama Law Enforcement Agency:

1. MSD permit applicant's name, physical address, and permit number issued;
2. special agent's signature;
3. vessel/residence boat owner or agent's signature;
4. vessel registration number or Federal documentation number;
5. date of inspection;
6. vessel/residence boat location;
7. boat name (if applicable);
8. type of device inspected; and
9. decal number issued.

(b) INSPECTION FEES FOR INSPECTIONS BY SPECIAL AGENTS: The annual inspection fee for inspections conducted by special agents will be \$10 per vessel, which amount shall be remitted by the special agent to the Alabama Law Enforcement Agency as provided for herein. In

addition, the special agent may charge up to a \$40 service fee per vessel (which amount may be retained by the special agent) so that the total price of the annual MSD inspection conducted by the special agent will not exceed \$50 maximum for the vessel/residence boat owner.

(c) The Secretary of the Alabama Law Enforcement Agency or other persons as designated for such purposes shall have the power and authority to inspect and examine the books, records, decals, ledgers, and any other paperwork or records of any type, relating to the special agent's inspections, at any reasonable time during regular business hours.

(3) The Alabama Law Enforcement Agency may cancel the authorization of the special agent to conduct inspections at any time, when it, in its sole discretion, determines that such cancellation is in the best interest of the State. Upon such cancellation, the special agent shall immediately:

(a) remit all amounts owed; and

(b) return all forms, records, books, and decals, to the Alabama Law Enforcement Agency

(4) INSPECTION FEES FOR INSPECTIONS BY ALEA PERSONNEL: The annual inspection fee for inspections conducted by personnel of the Alabama Law Enforcement Agency will be \$50 per vessel.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-6A-2.

History: New Rule: Published _____; effective _____.

760-X-6-.62 Old River/Rabbit Island Vessel Restrictions.

(1) It shall be unlawful to operate a combustible engine on a vessel in the area designated by a series of signs erected in the vicinity of Rabbit Island and Ono Island in Old River south of Ono Island in Baldwin County. In

designated area(s), all vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion must turn off the internal combustion motor and, if possible to do so, tilt or raise the internal combustion motor out of the water. The use of electric motors is not prohibited.

(2) Any person violating any of the provisions of this regulation shall be punished as provided by § 33-5-62, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62.

History: New Rule: Published _____; effective _____.

Penalty: As provided by Code of Ala. 1975, §§ 33-5-62.

760-X-6-.63 Three Mile Creek Vessel Restrictions.

(1) It shall be unlawful to operate a vessel with a combination engine (gasoline or diesel powered) in the following area in Mobile County: from the head waters of Three Mile Creek to the railroad bridge at Telegraph Road. This prohibition shall not apply to law enforcement, government, or emergency vessels.

(2) Any person violating any of the provisions of this regulation shall be punished as provided by § 33-5-62, Code of Ala. 1975.

Author: Marine Patrol Chief Matt Brooks; Sergeant Wade Fail; Kate Craig

Statutory Authority: Code of Ala. 1975, § 33-5-62.

History: New Rule: Published _____; effective _____.

Penalty: As provided by Code of Ala. 1975, §§ 33-5-62.