

APA-1

**TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION**

Control: 760

Department or Agency: Alabama Law Enforcement Agency

Rule No.: Chapter 760-X-6

Rule Title: Vessel Registration and Operation Requirements

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 Hal Taylor
Hal Taylor

Date Monday, July 20, 2026

ALABAMA LAW ENFORCEMENT AGENCY

NOTICE OF INTENDED ACTION

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

RULE NO. & TITLE: Chapter 760-X-6 Vessel Registration and Operation Requirements

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

This action will create a new chapter in ALEA's portion of the Administrative Code, "760-X-6. Vessel Registration and Operation Requirements." This will have the effect of importing, and providing a comprehensive update to, existing DCNR regulations governing the registration and operation of vessels in Alabama (Chapter 220-6). Among other positive developments, this new chapter will (1) simplify the process of obtaining a transfer certificate for a bona fide vessel purchase, (2) clarify operators' notice and reporting obligations when involved in a serious vessel accident, (3) update terminology in Alabama's water traffic "rules of the road" for consistency with ALEA's boater safety education materials, (4) provide modernized descriptions of required equipment consistent with U.S. Coast Guard rules and guidance, (5) shorten the process of obtaining an ALEA-issued marine event permit and exempt certain events therefrom, and (6) promote the effective use of authorized emergency vessels when providing an emergency response.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The Agency will accept written views until the close of business on September 4, 2026. Written views shall be submitted via email to Joseph.Latham@alea.gov.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, September 4, 2026

CONTACT PERSON AT AGENCY:

Joseph R. Latham, Assistant
Attorney General
Email: Joseph.Latham@alea.gov

Hal Taylor

Hal Taylor

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

ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE

CHAPTER 760-X-6
VESSEL REGISTRATION AND OPERATION REQUIREMENTS

TABLE OF CONTENTS

760-X-6-.00	Definitions
760-X-6-.01	Vessel Identification Numbers, How Issued, Format, Duration
760-X-6-.02	Application for Certificate of Registration, Contents of Certificate, Registration Decals
760-X-6-.03	Placement of Vessel Identification Number and Registration Decals
760-X-6-.04	Documents Required Onboard, Presentation to Law Enforcement, Lease and Rental Agreements
760-X-6-.05	Transfer Certificates and Duplicate Certificates
760-X-6-.06	Vessel Accident Notification and Reporting
760-X-6-.07	Water Traffic "Rules of the Road"
760-X-6-.08	Sound Signal Devices Required
760-X-6-.09	Navigation Lights Required
760-X-6-.10	Fire Extinguishers Required
760-X-6-.11	Personal Flotation Devices Required
760-X-6-.12	Blue Lights Restricted
760-X-6-.13	Ventilation Requirements
760-X-6-.14	Disposal of Trash, Garbage, Plastics
760-X-6-.15	Load Capacity
760-X-6-.16	Capacity Plate Must Be Affixed
760-X-6-.17	Marine Event Permits
760-X-6-.18	PFDs Required for Towed Water Sports
760-X-6-.19	Regulatory Markers and Aids to Navigation
760-X-6-.20	PFDs Worn Below Dam
760-X-6-.21	Minimum Age of Operator
760-X-6-.22	Backfire Flame Arrestor Required
760-X-6-.23	Noise Level Restriction
760-X-6-.24	Diver Flag
760-X-6-.25	Refusal to Submit to Inspection
760-X-6-.26	Rearview Mirrors on Personal Watercraft
760-X-6-.27	Fleeing or Attempting to Elude Marine Patrol Officer
760-X-6-.28	Altering or Defacing Boater Safety Certification
760-X-6-.29	Penalties, Point System for Suspension

760-X-6-.30	Examination for Boater Safety Certification
760-X-6-.31	Reserved
760-X-6-.32	Reserved
760-X-6-.33	Reserved
760-X-6-.34	Reserved
760-X-6-.35	Suspension Period Guidelines
760-X-6-.36	Idle Speed Zones for Certain Gulf Waters
760-X-6-.37	Gulf Shores Swimming Area
760-X-6-.38	Closure of Gulf Waters Near Saltwater Fishing Piers
760-X-6-.39	Bird Island/Walker Island Vessel Restrictions
760-X-6-.40	Old River Vessel Restrictions
760-X-6-.41	Three Mile Creek Vessel Restrictions
760-X-6-.42	Visual Distress Signals Required on Certain Waters
760-X-6-.43	Reserved
760-X-6-.44	Reserved
760-X-6-.45	Reserved
760-X-6-.46	Reserved
760-X-6-.47	Reserved
760-X-6-.48	Reserved
760-X-6-.49	Reserved
760-X-6-.50	Securing Marine Sanitation Devices
760-X-6-.51	Annual Inspections and Designation of Special Agents
760-X-6-.52	Reserved
760-X-6-.53	Reserved
760-X-6-.54	Reserved
760-X-6-.55	Authorized Emergency Vessels
760-X-6-.56	Applicability

760-X-6-.00 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

- (1) AIRBOAT. A vessel that is typically flat-bottomed and propelled by an aircraft-type propeller powered by an engine.
- (2) ALEA. The Alabama State Law Enforcement Agency.
- (3) AUXILIARY SAIL. A vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method.
- (4) CABIN MOTORBOAT. A vessel propelled by propulsion machinery and providing enclosed spaces inside its structure.

- (5) CHARTER FISHING. A vessel carrying one or more passengers for hire who are engaged in recreational fishing.
- (6) CLASS 1 VESSEL. A vessel that is less than 16 feet (~4.88 meters) in length.
- (7) CLASS 2 VESSEL. A vessel that is at least 16 feet (~4.88 meters) in length and that is less than 26 feet (~7.92 meters) in length.
- (8) CLASS 3 VESSEL. A vessel that is at least 26 feet (~7.92 meters) in length and that is less than 40 feet (~12.19 meters) in length.
- (9) CLASS 4 VESSEL. A vessel that is 40 feet (~12.19 meters) or more in length.
- (10) COMMERCIAL FISHING. A vessel that commercially engages in the catching, taking, or harvesting of fish which, either in whole or in part, is intended to enter commerce through sale, barter, or trade.
- (11) CRAFT. A small structure for travel on water, regardless of whether it constitutes a vessel. Examples include sailboards, surfboards, windsurfers, water skis, aquaplanes, and paddleboats.
- (12) ENGINE or MOTOR. Unless context clearly requires otherwise, each term shall refer to any fuel-powered engine or electric-powered motor used for propulsion.
- (13) HOUSEBOAT. A motorized vessel that is usually non-planing and designed primarily for multi-purpose accommodation spaces with low freeboard and little or no foredeck or cockpit.
- (14) INBOARD. In the context of an engine, an engine mounted inside the confines of a vessel which powers a drive shaft that turns a water jet impeller or that runs through the bottom of the hull and is attached to a propeller at the other end.
- (15) INFLATABLE BOAT. A vessel that uses air-filled flexible fabric for buoyancy.
- (16) MARINE PATROL. The Marine Patrol Division of ALEA's Department of Public Safety.
- (17) MOTORIZED VESSEL. A vessel equipped for propulsion by the operation of one or more engines or motors.

(18) OCCUPANT. Any individual onboard a vessel or towed by the vessel on water skis, surfboards, spinners, aquaplanes, tubes, or similar devices.

(19) OPEN MOTORBOAT. A vessel equipped with propulsion machinery and having an open load carrying area that does not have a continuous deck to protect it from the entry of water.

(20) OPERATE. To navigate or otherwise use a vessel.

(21) OPERATOR. An individual operating a vessel.

(22) OUTBOARD. In the context of an engine, an engine with propeller or water jet integrally attached, which is usually mounted at the stern of a vessel.

(23) OWNER. A person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(24) PADDLECRAFT. A vessel powered only by its occupants, using a single or double bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements.

(25) PERSON. An individual, partnership, firm, corporation, association, or other entity.

(26) PERSONAL WATERCRAFT. A vessel that uses an inboard motor powering a water jet pump as its primary source of motive power and is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

(27) POD DRIVE. An engine mounted in front of the transom of a vessel and attached through the bottom of the hull to a steerable propulsion unit.

(28) PONTON BOAT. A vessel with a broad, flat deck that is affixed on top of closed cylinders that are used for buoyancy, the basic design of which is usually implemented with two rows of floats as a catamaran or with three rows of floats as a trimaran.

(29) ROWBOAT. An open vessel manually propelled by oars.

(30) SAIL ONLY. A vessel propelled only by sails.

(31) SECRETARY. The Secretary of ALEA.

(32) STERNDRIVE. An engine, powering a propeller using shifts and gears, mounted in front of the transom of a vessel and attached through the transom to a drive unit that is similar to the lower unit of an outboard, which may also be known as an inboard-outdrive or an inboard-outboard.

(33) VESSEL. Every description of watercraft, other than a seaplane, capable of being used as a means of transportation on the water. However, the term does not include vessels 12 feet (~3.66 meters) in length or less, when used solely on farm ponds of less than 50 acres in size.

(34) WATERS OF THIS STATE. Any waters within the territorial limits of this state and the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to and from the shore of this state. The term does not include any private pond which is not used for boat rentals or the charging of fees for fishing therein.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

**760-X-6-.01 Vessel Identification Numbers, How Issued,
Format, Duration.**

(1) **Purpose.** Title 33, Chapter 5, Article 1 of the Code of Alabama 1975 provides that an Alabama vessel identification number is awarded to a vessel through the issuance of a certificate of registration to the vessel's owner. This Rule establishes the format of Alabama vessel identification numbers. Rule 760-X-6-.02 establishes the information required to be submitted in an application for a certificate of registration, as well as the information presented on a certificate of registration. Rule 760-X-6-.03 establishes requirements for displaying the vessel identification number and annual registration decals on the vessel. Rule 760-X-6-.04 establishes requirements for carrying the certificate of registration, as well as any applicable rental or lease agreement, onboard the vessel and presenting the same to law enforcement officers for inspection. Rule 760-X-6-.05 establishes specific processes for obtaining a transfer certificate or duplicate certificate.

(2) **Format of Alabama Vessel Identification Number.** Each vessel identification number awarded by the State of Alabama shall be alphanumeric and shall be comprised of three parts, with each part separated by a hyphen or equivalent space:

(a) The first part shall consist of the capital letters "AL".

(b) The second part shall consist of no more than four numerals.

(c) The third part shall consist of no more than two capital letters. This part shall not include the letters "I", "O", or "Q," which may be mistaken for numerals.

For example: **AL-1234-AA**

(3) **Duration of Alabama Vessel Identification Number.**

(a) A vessel identification number awarded to a vessel by the State of Alabama shall remain with that vessel until the vessel is destroyed, abandoned, registered for a different use, or no longer principally used in the State of Alabama.

(b) Subsection (a) does not apply to a manufacturer/dealer number, which is not awarded to a specific vessel and may be used on different vessels at different times.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-10, 33-5-28, 33-5-62, 33-5-79

History: **New Rule:** Published _____; effective _____.

**760-X-6-.02 Application for Certificate of Registration,
Contents of Certificate, Registration Decals.**

(1) **Application for Certificate of Registration.** No certificate of registration shall be issued for a vessel unless the vessel's owner files an application for a certificate of registration pursuant to § 33-5-11, Code of Alabama 1975. The filed application must be made on forms furnished by ALEA and must include all of the following, unless this Rule expressly provides otherwise:

(a) The owner's name;

(b) The owner's address, including ZIP code;

- (c) The owner's date of birth, if applicable;
- (d) The owner's Social Security number, Federal Employer Identification Number, or other tax identification number;
- (e) The vessel's state of principal operation;
- (f) The prior vessel identification number, if any, issued to the vessel by another issuing authority;
- (g) If subsection (1)(f) applies, the prior certificate of registration issued for the vessel by another issuing authority;
- (h) The purpose of the application:
 - i. New Registration. First-time registration of a vessel in the State of Alabama.
 - ii. Renewal of Registration. Renewal of an existing Alabama certificate of registration by the same vessel owner.
 - iii. Transfer of Ownership. Registration that reflects the transfer of a vessel registered in Alabama to a new owner. See Rule 760-X-6-.05 for additional details.
 - iv. Duplicate Certificate. Issuance of a replacement certificate of registration where a valid and unexpired certificate of registration previously issued to the owner has been lost or destroyed. See Rule 760-X-6.05 for additional details.
- (i) The use of the vessel (charter fishing, commercial fishing, commercial passenger carrying, dealer or manufacturer demonstration or testing, pleasure, rent or lease, or other commercial use);
- (j) The type of vessel (airboat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only, or other);
- (k) The vessel's make and model;
- (l) The hull identification number assigned to the vessel, if the vessel was imported or manufactured on or after November 1, 1972;

(m) The vessel's model year or, if unavailable, the year it was manufactured;

(n) The vessel's overall length;

(o) The vessel's hull material (aluminum, fiberglass, plastic, rubber/vinyl/canvas, steel, wood, or other);

(p) The vessel's means of propulsion (air thrust, manual, propeller, sail, water jet, or other);

(q) The engine drive type, if applicable (inboard, outboard, pod drive, sterndrive, or other);

(r) The name of the engine manufacturer, if available and if applicable;

(s) The type of fuel, if any, used in the vessel's propulsion (electric, diesel, gasoline, or other); and

(t) The owner's signature, certifying that the information provided in the application is accurate to the best of the owner's knowledge.

(2) **Contents of Certificate of Registration.** Every certificate of registration issued pursuant to Title 33, Chapter 5, Article 1 of the Code of Alabama 1975 will include all of the following, unless this Rule expressly provides otherwise:

(a) The Alabama vessel identification number awarded to the vessel;

(b) The certificate of registration's expiration date;

(c) The owner's name;

(d) The owner's address, including ZIP code;

(e) The vessel's state of principal operation;

(f) The use of the vessel (charter fishing, commercial fishing, commercial passenger carrying, dealer or manufacturer demonstration or testing, pleasure, rent or lease, or other commercial use);

(g) The type of vessel (airboat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only, or other);

(h) The vessel's make and model;

(i) The hull identification number assigned to the vessel by the manufacturer, if the vessel was imported or manufactured on or after November 1, 1972;

(j) The vessel's model year or, if unavailable, the year it was manufactured;

(k) The vessel's overall length;

(l) The vessel's hull material (aluminum, fiberglass, plastic, rubber/vinyl/canvas, steel, wood, or other);

(m) The vessel's means of propulsion (air thrust, manual, propeller, sail, water jet, or other);

(n) The engine drive type, if applicable (inboard, outboard, pod drive, sterndrive, or other);

(o) The name of the engine manufacturer, if available and if applicable;

(p) The type of fuel, if any, used in the vessel's propulsion (electric, diesel, gasoline, or other).

(3) **Registration Decals.** Upon the issuance of a certificate of registration pursuant to Title 33, Chapter 5, Article 1 of the Code of Alabama 1975, the vessel owner will also receive two current-year Alabama registration decals, which must be affixed to the vessel in accordance with Rule 760-X-6-.03.

(4) **Lease or Rental Vessel.** If the vessel will be used for lease or rental purposes during the registration period, the vessel's owner must disclose and certify that fact in the application, and the following rules apply:

(a) The vessel's owner must file the application with ALEA's Marine Patrol Division. Applications filed with a probate court, county license commissioner, or other entity or official will not be processed.

(b) If the vessel will be used exclusively for lease or rental purposes and will not be leased or rented with a motor or other propulsion machinery as part of the vessel, the vessel owner's application for a certificate of registration may omit items (1)(p) through (1)(s), and the certificate of registration will omit items (2)(m) through (2)(p).

(c) Any issued certificate of registration shall include a plain marking of "LEASE/RENTAL VESSEL."

(5) **Dealer or Manufacturer Demonstration.** A bona fide vessel manufacturer or dealer may apply for and obtain a certificate of registration that, in accordance with § 33-5-14, Code of Alabama 1975, may be used for different vessels at different times during the registration period and must be used only for testing or demonstration purposes of the vessel manufacturer or dealer. The following rules apply to applications for, and issuance of, such certificates of registration:

(a) The manufacturer or dealer must file the application with ALEA's Marine Patrol Division. Applications filed with a probate court, county license commissioner, or other entity or official will not be processed.

(b) The manufacturer or dealer's application for a certificate of registration may omit items (1)(k) through (1)(s), and it must disclose and certify that any vessels used pursuant to the certificate of registration will be used only for dealer or manufacturer demonstration or testing.

(c) Any certificate of registration issued pursuant to this subsection will omit items (2)(h) through (2)(p) and will instead include a plain marking of "MANUFACTURER" or "DEALER," as appropriate.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-10, 33-5-12, 33-5-15, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.03 Placement of Vessel Identification Number and Registration Decals.

(1) **Placement of Number and Registration Decals Required.** It shall be unlawful for any person to operate a vessel required to be registered in Alabama, or permit it to be operated, unless its vessel identification number and two current-year registration decals are placed on the vessel in the manner specified by this Rule.

(2) **Placement of Number.** Upon receipt of a certificate of registration for a vessel, the owner shall place the number awarded to the vessel, or cause it to be placed, on each side of

the vessel in decals or in paint, in a position making the number clearly visible at all times.

(a) The number must be placed on each side of the bow of the vessel, unless the vessel is used exclusively for racing.

(b) The number shall read from left to right, shall be displayed in block characters of good proportion, not less than 76 millimeters (~2.99 inches) in height, and shall be properly spaced so as to be easily readable.

(c) The paint or decals displaying the number must contrast with the color of the background upon which they are placed.

(d) The number shall not be considered properly placed if the vessel's owner or operator has placed on the forward half of the vessel, or has caused to be placed there, any sequence of letters, numerals, or both that is not issued by an issuing authority for the vessel.

(e) On a vessel used exclusively for racing, the number must be placed on each side of the vessel, at any position in or on the vessel that would make the number clearly visible at all times.

(f) Notwithstanding any other part of this section, a manufacturer or dealer placing a manufacturer/dealer number on a vessel may have the number printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the vessel.

(g) The vessel's owner must ensure that the number placed on each side of the bow is maintained in a legible condition at all times. A Marine Patrol Trooper may require the owner of a vessel to repaint or reaffix the number if, in the Trooper's judgment, the number is not legible or is improperly spaced on either side of the bow.

(3) **Placement of Registration Decals.** The vessel's owner shall place a current-year registration decal, or cause it to be placed, on each side of the vessel within six inches (152.4 millimeters) of the number, either at the beginning or end of the number.

(4) **Current-Year Registration Decals Only.** Current-year registration decals are not properly placed, for the purposes of this Rule, unless they are the only Alabama registration decals displayed on the vessel. All previous years' decals must be removed.

(5) **USCG Documented Vessels.** Notwithstanding any other part of this Rule, a USCG documented vessel that is required to be registered under Alabama law may be operated without placement of the number on the vessel. However, current-year registration decals must be placed in prominent locations on the forward half of the vessel, one on the port side and another on the starboard side.

(6) **Removal of Number and Registration Decals.** In any of the following circumstances, the owner of a vessel must promptly remove the number and any Alabama registration decals placed on the vessel:

(a) The vessel becomes commercially documented by the USCG.

(b) The certificate of registration becomes invalid, for reasons other than annual expiration.

(c) Alabama is no longer the vessel's state of principal operation.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-12, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.04 Documents Required Onboard, Presentation to Law Enforcement, Lease and Rental Agreements.

(1) **Documents Required Onboard.** Except as otherwise provided in this Rule, it shall be unlawful for any person to operate a vessel in Alabama, or to permit it to be operated, unless the following documents are carried onboard the vessel, in such a manner that the operator can hand them to a law enforcement officer for inspection:

(a) A valid certificate of registration for the vessel; and

(b) If the vessel is being operated pursuant to an agreement to lease or rent the vessel, a copy of a valid lease or rental agreement meeting the requirements of Section 3.

(2) **Presentation of Documents Required.** An individual operating a vessel in Alabama shall, upon the request of any federal, state, or local law enforcement officer, present the documents this Rule requires to be carried onboard to the officer for inspection.

(3) **Lease or Rental Agreement Required.** It shall be unlawful to lease or rent, or to offer for lease or rent, any vessel that is not registered with ALEA's Marine Patrol Division for that purpose. Any vessel that is being used pursuant to an agreement to lease or rent the vessel shall have onboard a copy of the lease or rental agreement that includes all of the following:

(a) The vessel identification number awarded to the vessel.

(b) The term of lease or rental, including start and end dates.

(c) The number of individuals onboard the vessel at the time of its departure from the place of lease or rental.

(d) The signature of the vessel's owner, or of the owner's agent.

(e) The signature of the person leasing or renting the vessel, or of that person's agent.

(4) **Exception for Certain Short-Term Leases and Rentals.**

Notwithstanding subsection (1)(a) of this Rule, the owner of a leased or rented vessel or an agent thereof may retain the vessel's certificate of registration on shore if all of the following are true:

(a) The leased or rented vessel is a Class 1 or Class 2 vessel.

(b) The term of the lease or rental is less than 24 hours.

(c) The lease or rental is exclusively for the lessee or renter's noncommercial use.

(d) For the duration of the term of the lease or rental, the vessel's owner or the owner's agent will retain the certificate of registration on shore at the location where the vessel departs from or returns to the physical possession of the owner or the owner's agent.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: **New Rule:** Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.05 Transfer Certificates and Duplicate Certificates.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) **DUPLICATE CERTIFICATE.** An Alabama certificate of registration issued on the grounds that a valid and unexpired certificate of registration previously issued to the applicant has been lost or destroyed.

(b) **TRANSFER.** When used in reference to a vessel, this term refers to any transfer of the owner's interest in the vessel, in full or in part, to another person, except the following circumstances:

i. The creation of a security interest in the vessel, or

ii. The transfer of a partial interest in the vessel that does not affect the transferring owner's right to operate the vessel.

(c) **TRANSFER CERTIFICATE.** An Alabama certificate of registration that reflects the transfer of a vessel registered in Alabama to a new owner.

(2) **Purpose.** Title 33, Chapter 5, Article 1 of the Code of Alabama 1975 provides as follows:

(a) The transfer of a vessel registered in Alabama to a new owner automatically terminates the existing certificate of registration.

(b) To maintain a transferred vessel's registration in Alabama, the vessel's new owner must file an application for a transfer certificate. The issuance of a transfer certificate to the new owner has the effect of transferring the vessel's previously awarded Alabama vessel identification number for the new owner's use.

(c) A vessel owner who has been issued a certificate of registration that is subsequently lost or stolen may file an application for a duplicate certificate of registration.

(d) The Secretary of ALEA may establish procedures for Alabama probate judges and license commissioners to issue transfer certificates and duplicate certificates.

(3) **Transfer Certificate.** To apply for a transfer certificate, the new vessel owner must file an application for a certificate of registration with ALEA or with a county probate judge or license commissioner.

(a) The application must be made on forms furnished by ALEA and must include all contents specified by Rule 760-X-6-.02.

(b) The new owner must present the following documents:

i. A bill of sale reflecting the transfer of the vessel to the new owner, and

ii. The certificate of registration issued to the vessel's immediate former owner, unless the state agency or the county with which the application is filed possesses the vessel's most recent registration record in Alabama.

(c) Notwithstanding Section (3)(b)(ii), a new owner who does not possess and cannot reasonably obtain the immediate former owner's certificate of registration may instead file an affidavit of ownership made on forms furnished by ALEA.

(d) The fee for the issuance of a transfer certificate is \$3.00. A probate judge or license commissioner issuing a transfer certificate may collect an additional issuance fee of \$2.00.

(4) **Duplicate Certificate.** To apply for a duplicate certificate, the vessel owner must file an application for a certificate of registration with ALEA or with a county probate judge or license commissioner.

(a) The application must be made on forms furnished by ALEA and must include all contents specified by Rule 760-X-6-.02. The owner must also certify, to the best of his or her knowledge, that the certificate of registration previously issued to the owner has been lost or destroyed.

(b) To issue a duplicate certificate, the state agency or county with which the application is filed must possess the vessel's most recent registration record in Alabama.

(c) The fee for the issuance of a duplicate certificate is \$3.00. A probate judge or license commissioner issuing a

replacement certificate may collect an additional issuance fee of \$2.00.

(5) **Funds Collected.** The probate judges and license commissioners shall remit to ALEA all monies collected pursuant to this Rule, other than additional issuance fees collected at their discretion, on the same forms and at the same time as they remit collections for the sale of boat registration certificates.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-10, 33-5-12, 33-5-15, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.06 Vessel Accident Notification and Reporting.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) INVOLVED. When used to describe a vessel, this term means that, in connection with a reportable accident, any of the following occurred:

- i. The vessel or its equipment sustained damage;
- ii. Any occupant of the vessel sustained personal injury, died, or disappeared from the vessel; or
- iii. Based on an interaction with the vessel or its equipment, any other property sustained damage, or any other individual sustained personal injury, died, or disappeared.

(b) REPORTABLE ACCIDENT. A collision, accident, incident, or other casualty involving one or more vessels that results in any of the following:

- i. The death of any person.
- ii. The disappearance of any person from a vessel, under circumstances that indicate death or injury.
- iii. Physical injury to any person that requires medical treatment beyond first aid.
- iv. The complete loss of any vessel.

v. Damage totaling \$2,000 or more to vessels, other property, or both.

(c) REPORTING PARTY. The owner or the operator of an involved vessel, whichever is designated in Section 5 of this Rule.

(2) Purpose.

(a) Federal and state law require the operator of a vessel involved in certain reportable accidents to promptly notify ALEA and provide a description of the accident.

(b) Federal law requires ALEA to collect information about reportable accidents from the owners or operators of involved vessels and to submit that information to the USCG.

(c) To satisfy these notice and reporting requirements, vessel owners or operators must follow the procedures established by this Rule.

(3) Notifying ALEA of Vessel Accident, Violations.

(a) When a reportable accident occurs on the waters of this state, and the reportable accident involves death, physical injury, disappearance of a person, or property damage exceeding \$2,000 in value, the operator of any involved vessel shall use the quickest means available to notify Marine Patrol of the accident. The notification may be made verbally, including by phone.

(b) At a minimum, the operator must provide notification of all of the following:

i. The number and name of the vessel.

ii. The names and addresses of the vessel's owner and operator.

iii. The operator's contact information.

iv. The date, time, and location of the reportable accident.

v. A general description of the accident and what factors make it a reportable accident.

vi. The name of each person who died or disappeared, if applicable.

(c) It shall be unlawful for the operator to fail to notify Marine Patrol in compliance with this Rule within 24 hours of the reportable accident.

(4) USCG Vessel Accident Reports.

(a) When a vessel is involved in a reportable accident on the waters of this state, the owner or operator of the involved vessel must complete and sign a USCG Recreational Boating Accident Report (Form CG-3865) and submit the form to ALEA.

(b) Subsection (a) does not apply if the involved vessel was commercially documented by the USCG at the time of the reportable accident.

(5) Who Must Submit Report, How Submitted.

(a) The individual who operated the involved vessel at the time of the reportable accident must submit the vessel accident report required by this Rule. If the operator cannot submit the vessel accident report due to death, disappearance, physical injury, or otherwise, the owner of the vessel must submit the report instead.

(b) If practicable, the reporting party shall complete and sign the report at the time he or she provides a witness statement and shall submit the report by hand-delivery to the investigating Marine Patrol Trooper. Otherwise, the reporting party shall submit the report to Marine Patrol by e-mail at marinepatrol@alea.gov.

(6) Prompt Reporting Required, Violations. It shall be a violation of this Rule for the reporting party to fail to submit a vessel accident report complying with Section 7 -

(a) Within 48 hours of the reportable accident, if an individual has died within 24 hours of the accident, has disappeared from a vessel, or has sustained physical injury requiring medical treatment beyond first aid.

(b) Within 10 days of the reportable accident, if the accident is solely reportable due to property damage.

(7) Contents of Report. Each vessel accident report must be made on a USCG Recreational Boating Accident Report Form (Form CG-3865); must contain the following information, if available; and must be signed and dated by the reporting party:

(a) The numbers and names of each vessel involved.

- (b) The name and address of each owner of each vessel involved.
- (c) The name of the nearest city or town, the county, the state, and the body of water.
- (d) The time and date the casualty or accident occurred.
- (e) The location on the water.
- (f) The visibility, weather, and water conditions.
- (g) The estimated air and water temperatures.
- (h) The name, address, age or date of birth, telephone number, vessel operating experience and boating safety training of the operator making the report.
- (i) The name and address of each operator of each vessel involved.
- (j) The number of occupants of each vessel.
- (k) The name, address, and date of birth of each person injured or killed.
- (l) The cause of each death.
- (m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.
- (n) The name and address of each owner of property involved.
- (o) The availability and use of personal flotation devices.
- (p) The type and number of each fire extinguisher used.
- (q) The nature and extent of each injury.
- (r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.
- (s) A description of each equipment failure that caused or contributed to the cause of the casualty.
- (t) A description of the vessel casualty or accident.
- (u) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, explosion, or other).

(v) The opinion of the person making the report as to the cause of the casualty, including whether or not alcohol, drugs, or both were a cause of, or contributed to causing, the casualty.

(w) The following characteristics of the vessel owned or operated by the reporting party:

i. Make;

ii. Model;

iii. Type (airboat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only, or other);

iv. Beam width at widest point;

v. Length;

vi. Depth from transom to keel;

vii. Horsepower;

viii. Means of propulsion (air thrust, manual, propeller, sail, water jet, or other);

ix. Fuel (electric, diesel, gasoline, or other);

x. Engine drive type (inboard, outboard, pod drive, sterndrive, or other);

xi. Hull material (aluminum, fiberglass, plastic, rubber/vinyl/canvas, steel, wood, or other); and

xii. Model year or, if unavailable, the year of manufacture.

(x) The name, address, and telephone number of each witness.

(y) The manufacturer's hull identification number (HIN) for the vessel owned or operated by the reporting party, or the serial number if no HIN is affixed.

(z) The name, address, and telephone number of the reporting party.

(8) **Other Jurisdictions.** This Rule shall not be construed to relieve a vessel operator or owner from any additional accident reporting obligations imposed by other jurisdictions.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-25, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.07 Water Traffic "Rules of the Road".

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) INLAND RULES. The USCG's Inland Navigation Rules, as codified in Title 33, Part 83 of the Code of Federal Regulations.

(b) INLAND WATERS. Those navigable waters of the State of Alabama that are shoreward of the navigational demarcation lines that divide the high seas from harbors, rivers, and other inland waters of the United States.

(c) INTERNATIONAL REGULATIONS. The International Maritime Organization's International Regulations for Preventing Collisions at Sea, as amended.

(2) In General.

(a) Except as otherwise provided by federal law—

i. A vessel operating on the inland waters of this state shall comply with the Inland Rules regarding steering and sailing.

ii. A vessel operating on other waters of this state shall comply with the International Regulations regarding steering and sailing.

(b) Sections 3 through 6 of this Rule cover concepts presented in the Inland Navigation Rules and the International Regulations that are important to routine boating activity in Alabama. In the event of a conflict

between this Rule and either the Inland Rules or the International Regulations, whichever is applicable, those sources of law control.

(3) Passing Other Vessels.

(a) When approaching and passing another vessel head-on, a vessel shall keep to its right, relative to the other vessel.

(b) When approaching and passing another vessel by overtaking, a vessel may pass to the left or to the right, but it must give way to the other vessel.

(c) When vessels are crossing, the following rules apply:

i. If the vessel operator observes an approaching vessel on the right side of his or her vessel, the operator's vessel is the give-way vessel, and the approaching vessel is the stand-on vessel.

ii. If the vessel operator observes an approaching vessel on the left side of his or her vessel, the operator's vessel is the stand-on vessel, and the approaching vessel is the give-way vessel.

(d) When approaching or passing another vessel, a vessel shall be operated in such a manner, and at such a rate of speed, not to create a hazardous wash or wake.

(e) A motorized vessel, when passing a sail-propelled vessel, must maintain a direct course.

(4) Stand-On/Give-Way, Special Circumstances. The stand-on vessel shall maintain its course and speed. The give-way vessel shall reduce speed, stop, reverse, or alter course to avoid collision.

(a) When approaching a landing dock or pier, a vessel shall give way to any vessel departing the landing dock or pier.

(b) When departing a shoreline or tributary, a vessel shall give way to through traffic and vessels approaching the shoreline or tributary.

(c) A motorized vessel shall be the stand-on vessel relative to a non-motorized vessel in the following circumstances:

i. When the motorized vessel is being overtaken by the non-motorized vessel.

ii. When the motorized vessel is towing another vessel.

iii. When the motorized vessel is a deep draft vessel required to operate in narrow channels.

(d) Except in those circumstances specified in subsection (c), and notwithstanding the other provisions of this Rule, a motorized vessel shall give way to any non-motorized vessel.

(5) Collision Prevention.

(a) No vessel shall abruptly change course, unless the vessel's operator determines that it can safely be done without giving rise to the danger of collision with another vessel.

(b) If the vessel's operator does not fully understand the course of an approaching vessel, the operator must immediately slow his or her vessel to idle speed until the other vessel has passed.

(c) In the event of a danger of collision, all vessels will slow down, stop, or reverse until the danger of collision ceases.

(6) General Operational Rules.

(a) Every vessel shall be operated at reasonable speeds for given situations and shall be under the complete control of the vessel's operator at all times.

(b) The vessel's operator must maintain a proper lookout.

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

(d) When operating in a narrow channel, a vessel shall keep to the right of mid-channel.

(e) No motorized vessel shall be operated in a course that encircles any other vessel or any person swimming.

(f) Vessels shall maintain at least 100 feet (~30.48 meters) of clearance from a displayed diver's flag.

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

(7) Violations. Except as otherwise provided by law, it shall be unlawful for any person to operate a vessel on the waters of this state in violation of this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

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

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) SOUND SIGNAL DEVICE. An efficient whistle or other sound-producing device capable of producing a blast that is at least four seconds in duration.

(2) **Sound Signal Device Required.**

(a) Every vessel shall carry a sound signal device.

(b) Every vessel 12 meters (~39.37 feet) or more in length shall carry a sound signal device capable of producing a blast that is audible for at least 0.5 nautical miles.

(3) **Federally Required Sound Signal Devices.** USCG regulations may require vessels to carry additional sound signal devices. Nothing in this Rule shall be construed to exempt a vessel from such requirements.

(4) **Violations.** It shall be unlawful for any person to operate a vessel on the waters of this state that is not carrying a sound signal device in compliance with this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

(1) In General.

(a) It shall be unlawful for any person to operate a vessel without displaying the lights prescribed by this Rule, if the vessel is under way between sunset and sunrise or if the vessel is under way in restricted visibility between sunrise and sunset.

(b) The lights prescribed by this Rule may also be displayed in any other circumstances when it is deemed necessary by the operator.

(c) To satisfy this Rule, each light must display unbroken light over its required span.

(d) Federal law imposes additional lighting requirements for vessels that exceed 20 meters in length and vessels that are engaged in certain activities, like towing. Please see 33 C.F.R. §§ 83.20-83.31.

(2) Vessels Under Power.

(a) A vessel under power that is less than 12 meters (~39.37 feet) in length shall display red, green, and white lighting as follows:

i. Red light must be displayed on the port side, from dead-ahead to 112.5 degrees, and green light must be displayed on the starboard side, from dead-ahead to 112.5 degrees, using one of the following lighting configurations:

1. One red and green combination lantern in the fore part of the vessel that is visible for at least one mile.

2. One red sidelight on the port side and one green sidelight on the starboard side, each properly screened and visible for at least one mile.

ii. White light must be displayed using one of the following configurations:

1. One white all-around light that is visible for at least two miles. The light must be displayed at

least one meter higher than the red and green lights and must show all around the horizon (360 degrees).

2. One white masthead light and one white sternlight, each visible for at least two miles.

(A) The masthead light must be placed as nearly as practicable to the fore and aft centerline of the vessel and displayed at least one meter higher than the red and green lights. The masthead light must display light from dead-ahead to 112.5 degrees on each side of the vessel (225 degrees total).

(B) The sternlight must be placed as nearly as practicable at the stern and must display light from dead-astern to 67.5 degrees on each side of the vessel (135 degrees total).

(b) A vessel under power that is at least 12 meters (~39.37 feet) in length, but less than 20 meters (~65.62 feet) in length, shall display red, green, and white lighting as follows:

i. Red light must be displayed on the port side, from dead-ahead to 112.5 degrees, and green light must be displayed on the starboard side, from dead-ahead to 112.5 degrees, using one of the following lighting configurations:

1. One red and green combination lantern in the fore part of the vessel that is visible for at least two miles.

2. One red sidelight on the port side and one green sidelight on the starboard side, each properly screened and visible for at least two miles.

ii. White light must be displayed using one masthead light that is visible for at least three miles and one sternlight that is visible for at least two miles.

1. The masthead light must be placed over the fore and aft centerline of the vessel and displayed at least one meter higher than the red and green lights. The masthead light must display light from dead-ahead to 112.5 degrees on each side of the vessel (225 degrees total).

2. The sternlight must be placed as nearly as practicable at the stern and must display light from dead-astern to 67.5 degrees on each side of the vessel (135 degrees total).

(3) Vessels Under Sail.

(a) A sailing vessel that is less than 7 meters (~22.96 feet) in length shall exhibit the same lights prescribed in subsection (b) if practicable. At a minimum, the vessel shall have readily at hand a lantern or flashlight showing a white light, which must be displayed in sufficient time to prevent collision.

(b) A sailing vessel that is at least 7 meters (~22.96 feet) in length, but less than 20 meters (~65.62 feet) in length, shall display red, green, and white lighting in one of the following configurations. Each light must be visible for at least two miles:

i. One red, green, and white combination lantern carried at or near the top of the mast where it can be best seen. The combination lantern must display red to port, green to starboard, and white to the stern.

1. The combination lantern must display red light on the port side, from dead-ahead to 112.5 degrees; green light on the starboard side, from dead-ahead to 112.5 degrees; and white light for 135 degrees, from dead-astern to 67.5 degrees on each side of the vessel.

ii. One red and green combination lantern in the fore part of the vessel and one white light at the stern.

1. The combination lantern must display red light on the port side, from dead-ahead to 112.5 degrees, and green light on the starboard side, from dead-ahead to 112.5 degrees (225 degrees total).

2. The sternlight must be placed as nearly as practicable at the stern and must display white light from dead-astern to 67.5 degrees on each side of the vessel (135 degrees total).

iii. One red light port-side, one green light starboard-side, and one white light at the stern.

1. The port sidelight must be properly screened and must show red light from dead-ahead to 112.5 degrees on that side.

2. The starboard sidelight must be properly screened and must show green light from dead-ahead to 112.5 degrees on that side.

3. The sternlight must be placed as nearly as practicable at the stern and must display white light from dead-astern to 67.5 degrees on each side of the vessel (135 degrees total).

(4) **Manually Propelled Vessels.** Manually propelled vessels may exhibit the lights prescribed in Section(3)(b). At a minimum, the vessel shall have readily at hand a lantern or flashlight showing a white light, which must be displayed in sufficient time to prevent collision.

(5) **Anchored Vessels.** As a warning signal to avert collisions, all vessels subject to this Rule, when anchored on the waters of this state, shall carry and display a steady white all-around light visible for at least two miles. The light must show all around the horizon (360 degrees).

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.10 Fire Extinguishers Required.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) FFE VESSEL. A vessel with a fixed fire extinguishing system fitted in the machinery space.

(b) FIXED FIRE EXTINGUISHING SYSTEM. A stationary fire extinguishing system, such as an automatic sprinkler system, approved by the USCG and designed and installed in accordance with USCG regulations.

(c) **PORTABLE FIRE EXTINGUISHER.** A hand-portable fire extinguisher that meets all requirements of Section 3.

(2) **Vessels Requiring Fire Extinguisher Equipment.** A vessel meeting any of the following descriptions must carry fire extinguishing equipment onboard that is in good working condition:

(a) A vessel that is equipped with any device, other than an outboard motor, that consumes butane gas, propane gas, kerosene, gasoline, or petroleum products.

(b) A motorized vessel equipped with an inboard, sterndrive, or pod drive engine.

(c) A Class 3 or 4 motorized vessel equipped with an outboard motor.

(d) A motorized vessel that has any closed cabin, semi-closed cabin, or sleeping accommodations.

(e) A motorized vessel that has permanently installed fuel tanks or closed compartments where portable fuel tanks are stored.

(f) A motorized vessel with a double bottom that is either not sealed to the hull or not completely filled with flotation material.

(3) **Portable Fire Extinguishers.** Each portable fire extinguisher carried onboard must meet the following requirements:

(a) The fire extinguisher must be approved by the USCG and satisfy all applicable requirements of 33 C.F.R. § 175.310.

(b) The fire extinguisher must be kept in a location that makes it available for immediate and effective use when the vessel is occupied.

(c) The fire extinguisher must, at a minimum, be rated "5-B." That rating means the following:

i. The fire extinguisher is rated for use against Class B fires. Fire extinguishers with additional letter designations (e.g., "5-B:C") are acceptable.

ii. The fire extinguisher is rated to provide 5 square feet of coverage. Fire extinguishers with greater numerical ratings (e.g., "10-B") are acceptable.

(4) **Minimum Number of Portable Fire Extinguishers.**

(a) Except as provided in subsection (b) and in subsection (6)(b), every vessel 65 feet in length or less that is required to carry fire extinguisher equipment pursuant to this Rule must carry one or more Class B portable fire extinguishers, based on the length of the vessel:

i. A Class 1 or Class 2 vessel must carry one portable fire extinguisher.

ii. A Class 3 vessel must carry two portable fire extinguishers. Alternatively, a Class 3 vessel may carry one portable fire extinguisher rated 20-B or greater.

iii. A Class 4 vessel must carry three portable fire extinguishers. Alternatively, a Class 4 vessel may carry two portable fire extinguishers if one is rated 20-B or greater.

(b) If a vessel is equipped with a fixed fire extinguisher system in the machinery space, the vessel may carry a reduced number of Class B portable fire extinguishers, as follows:

i. Unless subsection (2)(a) of this Rule applies, a Class 1 or 2 FFE vessel does not have to carry a portable fire extinguisher.

ii. A Class 3 FFE vessel must carry one portable fire extinguisher.

iii. A Class 4 FFE vessel must carry two portable fire extinguishers. Alternatively, the vessel may carry one portable fire extinguisher rated 20-B or greater.

(5) **Large Vessels.** A Class 4 vessel exceeding 65 feet in length must carry fire extinguishing equipment as prescribed in 33 C.F.R. § 175.320. In addition to other fire extinguishing equipment required by that Rule, the vessel must carry the following number of Class B portable fire extinguishers rated 20-B or greater:

(a) One, if the vessel is less than 50 gross tons.

(b) Two, if the vessel is more than 50 gross tons but less than 100 gross tons.

(c) Three, if the vessel is more than 100 gross tons but less than 500 gross tons.

(d) Six, if the vessel is more than 500 gross tons but less than 1,000 gross tons.

(e) Eight, if the vessel is more than 1,000 gross tons.

(6) Previously Installed Equipment.

(a) This Rule reflects the current USCG-approved classification system for portable fire extinguishers. Previously installed fire extinguishers may bear old USCG classification markings (e.g., "B-I" or "B-II") that do not rate the extinguisher's coverage area.

(b) To the extent permitted by 33 C.F.R. Part 175, a vessel built in model year 2017 or earlier may continue to carry previously installed fire extinguishing equipment without replacement, if the equipment is kept in good working condition. However, all new installations and replacements of fire extinguishing equipment must comply with this Rule in full.

(7) Violations. It shall be unlawful for any person to operate a vessel on the waters of this state that is not equipped with fire extinguishing equipment as required by this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.11 Personal Flotation Devices Required.

(1) Definitions. For the purposes of this Rule, the following terms shall have the following meanings:

(a) PFD. A personal flotation device.

(b) THROWABLE PFD. A personal flotation device that is intended to be thrown to a person in the water (e.g., a ring buoy). This term includes PFDs previously classified by the USCG as Type IV, or as Type V with Type IV performance.

(c) WEARABLE PFD. A personal flotation device that is intended to be worn or otherwise attached to the body. This term includes PFDs previously classified by the USCG as Type I, II, or III, or as Type V with Type I, II, or III performance.

(2) Minimum PFD Carriage Requirements.

(a) Every vessel operated on the waters of this state shall have onboard, or in use by occupants, at least one properly sized, USCG-approved wearable PFD for each occupant of the vessel.

(b) Every vessel 16 feet or more in length operated on the waters of this state shall carry at least one USCG-approved throwable PFD.

(c) In any of the following circumstances, a PFD shall not count towards the requirements of subsections (a) and (b):

i. The PFD is torn, rotted, or damaged.

ii. The PFD is marked as a Type V PFD and is not USCG-approved for the activity in which the vessel is being used.

iii. The PFD is not being worn, if it is marked with directions that require it to be worn onboard.

(3) Access Requirements. Every PFD required in Section 2, if storage of the PFD is permissible, shall be placed or stored in the vessel such that it is readily available for use in case of emergency.

(4) Unserviceable Safety Equipment. Except as otherwise provided by law, Marine Patrol Troopers shall have the right to inspect any required safety equipment that is offered for rent in this state or that is onboard any vessel operated on the waters of this state. Any safety equipment that Marine Patrol finds to be in an unserviceable condition, including a PFD, may be stamped or marked as unserviceable and its use prohibited. However, nothing in this Rule shall be construed to mean that stamping or marking is a prerequisite for prosecuting a person who violates this Rule.

(5) Violations. It shall be unlawful for any person to operate a vessel on the waters of this state that is not equipped with PFDs as required by this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-51, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.12 Blue Lights Restricted.

(1) **Equipment Prohibited.** No vessel, other than a law enforcement vessel, may be equipped with a flashing, rotating, or oscillating blue light on the waters of this state.

(2) **Violations.**

(a) It shall be unlawful for any person to operate a vessel that is in violation of this Rule.

(b) It shall be unlawful for any person, other than a law enforcement officer, to display a flashing, rotating, or oscillating blue light from a vessel on the waters of this state.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.13 Ventilation Requirements.

(1) **Ventilation in Motorized Vessels.** No motorized vessel equipped to use a flammable or toxic liquid as fuel may be operated on the waters of this state, unless the vessel has one of the following:

(a) An open construction, such that all engine compartments, fuel tank compartments, and other spaces where explosive or flammable gases or vapors may flow are open to the atmosphere

and arranged to prevent the entrapment of such gases and vapors.

(b) An efficient natural or mechanical ventilation system complying with USCG regulations that is designed to prevent the entrapment of explosive or flammable gases and vapors.

(2) **Violations.** It shall be unlawful for any person to operate a vessel on the waters of this state that does not comply with Section 1.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.14 Disposal of Trash, Garbage, Plastics.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) REFUSE. Any trash, garbage, discarded plastics, or other discarded items.

(2) **Disposal on Land Required.** All refuse onboard a vessel must be legally disposed of on land.

(3) **Equipment Required for Collection, Transport.** Every vessel operated on the waters of this state shall be equipped with both of the following:

(a) A container or storage compartment for the collection of refuse. A container or compartment does not comply with this Rule unless its design ensures that its contents cannot be inadvertently blown overboard.

(b) A container or bag suitable for transporting refuse collected onboard the vessel for legal disposal on land.

(4) **Violations.**

(a) It shall be unlawful for any person to discharge refuse overboard, to place refuse from a vessel in or on the waters

of this state, or to attempt such a discharge or placement of refuse.

(b) It shall be unlawful for any person to operate a vessel on the waters of this state that is not equipped with the collection and transport equipment required in Section 3.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.15 Load Capacity.

(1) **In General.** It shall be unlawful for any person to operate a vessel on the waters of this state that is loaded with individuals, property, or both beyond its safe operating capacity.

(2) **Safe Operating Capacity.** For the purposes of this Rule, a vessel shall be considered loaded beyond its safe carrying capacity if the load exceeds the limits stated on a capacity plate affixed to the vessel pursuant to Rule 760-X-6-.16, or if the load is otherwise of an objectively unreasonable size for the vessel to carry in light of the type and construction of the vessel used, the weather, and other operating conditions.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.16 Capacity Plate Must Be Affixed.

No manufacturer shall offer any monohull boat of less than 20 feet in length for sale, or cause it to be offered for sale by a

third party, unless a capacity plate complying with USCG regulations is permanently affixed to the boat.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.17 Marine Event Permits.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) HOST. The individual, entity, or unincorporated association that is principally responsible for conducting, sponsoring, or otherwise organizing a marine event.

(b) MARINE EVENT. Any of the following:

i. A regatta, motorboat race, or other vessel race.

ii. A parade of vessels.

iii. A tournament, exhibition, or competition for fishing, skiing, or other watersports.

(c) REGATTA. A race exclusively involving vessels under sail or under manual power.

(d) USCG PERMITTED WATERS. Waters of this state that are classified as navigable waters of the United States, that are normally used for commercial traffic or navigation, and on which the USCG maintains aids to navigation.

(2) **Permits Required.** Except as otherwise provided in this Rule, no marine event shall take place on the waters of this state unless the host obtains prior approval for the event in compliance with this Rule.

(3) **USCG Approval, When Required.** If any part of the marine event will be conducted on USCG Permitted Waters, and if the USCG requires prior approval of the marine event pursuant to 33 C.F.R. § 100.15, the host shall obtain prior approval from the

appropriate USCG Sector, under such rules and procedures as the USCG prescribes. In general, an application must be received by the appropriate USCG Sector at least 135 days prior to the marine event.

(4) Marine Patrol Permit, Exceptions.

(a) At least ten days prior to the marine event, the host of the marine event must complete, sign, and submit a Marine Event Permit Application to Marine Patrol, on forms furnished by ALEA, online at <https://www.alea.gov/dps/marine-patrol/boating-forms-and-permits>.

(b) Fishing tournaments or regattas involving the operation of fewer than 40 vessels shall not be required to comply with subsection (a).

(c) Marine Patrol shall have the discretion to deny any Marine Event Permit Application, or to impose conditions on the issuance of any Marine Event Permit, in the interests of public safety. Marine Patrol shall also have the discretion to deny any Marine Event Permit Application that is not submitted in compliance with this Rule.

(5) Violations.

(a) It shall be unlawful for any person to host a marine event on the waters of this state that violates this Rule.

(b) It shall be unlawful for any person to host a marine event on the waters of this state, if the person knowingly fails to comply with the terms of any Marine Event Permit or USCG approval required by this Rule.

(c) It shall be unlawful for any person to knowingly participate in a marine event hosted in violation of this Rule, or to knowingly fail to comply with the terms of any Marine Event Permit or USCG approval required by this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-27, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.18

PFDs Required for Towed Water Sports.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) TOWED WATER SPORTS. Any activities involving the towing of one or more individuals on water skis, surfboards, spinners, aquaplanes, tubes, or similar devices.

(2) **PFDs Required for Participants.** At all times while participating in towed water sports on the waters of this state, an individual must wear a USCG-approved wearable PFD.

(3) **Vessel Towing Requirements.** No vessel on the waters of this state may tow any individuals participating in towed water sports, unless both of the following conditions are met:

(a) In accordance with Rule 760-X-6-.11, the vessel has onboard, or in use by participants, at least one USCG-approved wearable PFD of proper size for each participant.

(b) Every participant, at all times while participating in towed water sports, wears a USCG-approved wearable PFD.

(4) **Exception for Approved Marine Events.** The provisions of this Rule shall not apply in any marine exhibition or tournament, approved in accordance with Rule 760-X-6-.17, where vessels or participants are authorized to operate otherwise.

(5) **Violations.**

(a) It shall be unlawful for any person to operate a vessel on the waters of this state in violation of this Rule.

(b) It shall be unlawful for any person to fail to wear a wearable PFD in compliance with this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-51, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) CONTROLLED AREA SYMBOL. A circle shape colored international orange and presented on a white background.

(b) DANGER SYMBOL. A diamond shape colored international orange and presented on a white background.

(c) DISPLAY. When used in reference to a regulatory marker, this term refers to erecting, placing, or maintaining the regulatory marker.

(d) EXCLUSION AREA SYMBOL. A diamond shape with a cross inside the diamond, all colored international orange and presented on a white background.

(e) INFORMATION SYMBOL. A rectangle shape colored international orange and presented on a white background.

(f) REGULATORY MARKER. A sign or buoy displaying a controlled area symbol, danger symbol, exclusion area symbol, or information symbol.

(2) **Purpose.** Regulatory markers and aids to navigation help the boating public understand where, and how, they may safely operate a vessel, and where they may enjoy recreational water activities like fishing, swimming, and skiing. Regulatory markers and aids to navigation used on the public waters of this state follow the conventions of the U.S. Aids to Navigation System. This Rule establishes processes to display regulatory markers on the public waters of the state. This Rule also establishes violations for failing to comply with regulatory markers and for certain unauthorized uses of aids to navigation and regulatory markers.

(3) **Meaning of Regulatory Markers.**

(a) A regulatory marker displaying the exclusion area symbol indicates that the area is closed to the operation of vessels.

(b) A regulatory marker displaying the controlled area symbol indicates that a restriction, or a prohibition on specific categories of vessels or activities, must be observed in the area. Generally, the restriction or prohibition that must be

followed will be displayed in text at the center of the controlled area symbol. Such conditions include, but are not limited to, the following:

- i. A prohibition of certain categories of vessels (e.g., motorized vessels).
- ii. A prohibition of certain activities (e.g., fishing, skiing, swimming).
- iii. A restriction on vessel speed (e.g., "No Wake," "Idle Speed").

(c) A regulatory marker displaying the danger symbol indicates that a hazardous condition is present in the area (e.g., wreck, shoal, dam, rock). The nature of the danger may be displayed in text at the center of the danger symbol.

(d) A regulatory marker displaying the information symbol indicates that it contains navigational information (e.g., directions, distances, locations).

(4) Regulatory Markers Placed by ALEA.

(a) Whenever the Secretary or his designee determines, in the interests of public safety, that it is necessary to restrict or prohibit the operation of vessels or the performance of vessel-related activities on certain areas of the waters of this state, or that it is necessary to warn the public of an operational hazard, ALEA will designate such areas by appropriate regulatory markers.

(b) The Secretary or his designee may display, or cause to be displayed, such informational signs as he or she determines to serve the public interest, including public safety.

(5) Regulatory Markers Placed by Others, Application Required. In order to display any regulatory marker on the public waters of this state, a person must seek ALEA's prior authorization to display the marker by submitting an application to Marine Patrol. If the application is approved, Marine Patrol will notify the applicant of the necessary specifications for the regulatory markers desired. An approved applicant shall only be authorized to display regulatory markers that comply with the provisions of Section 3 of this Rule and with the specifications provided by Marine Patrol.

(6) Violations.

(a) It shall be unlawful for any person to display any regulatory marker on the public waters of this state without prior authorization from ALEA.

(b) It shall be unlawful for any person to fail to comply with any restrictive sign, buoy, or marker authorized by ALEA.

(c) It shall be unlawful for any person to affix any of the following to any sign, sign piling, buoy, or marker on the public waters of this state that is approved by ALEA to direct marine traffic, including any regulatory marker or aid to navigation:

i. A trot line, net, fishing line, or other fishing apparatus.

ii. Any sign not otherwise authorized by law to be affixed there.

iii. Any other item that obstructs the visibility of the device or the ability of vessels to navigate around the device.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.20 PFDs Worn Below Dam.

(1) **Scope.** This Rule applies on any waters of this state within 800 feet (approximately 243.84 meters) below a hydroelectric dam or a navigation lock and dam.

(2) **PFD Use Required.** It shall be unlawful for any person to operate a vessel in the area described in Section 1, unless each occupant wears a USCG-approved wearable PFD of proper size at all times.

(3) **Other Laws.** Nothing in this Rule shall be construed to affect the duly promulgated regulations of other federal or state agencies regarding the activities that may or may not be conducted in the area described in Section 2.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-51, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.21 Minimum Age of Operator.

(1) **Operation by Children Prohibited.** Except as provided in Section 2, it shall be unlawful for any person owning or controlling a motorized vessel to permit an individual less than twelve years of age to operate the vessel on the waters of the state.

(2) **Exception for Approved Marine Events.** The provisions of this Rule shall not apply in any marine event, approved in accordance with Rule 760 X 6 .17, where individuals less than 12 years of age are authorized to operate vessels.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.22 Backfire Flame Arrestor Required.

(1) **In General.** On a motorized vessel, every propulsion engine equipped to use gasoline as fuel shall have a USCG-approved backfire flame arrestor (or "backfire trap") secured to each carburetor with a flame-tight connection.

(2) **Exception for Outboard Motors.** This Rule does not apply to outboard motors.

(3) **Violations.** It shall be unlawful to operate a motorized vessel on the waters of this state that fails to comply with this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

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

(1) **Maximum Noise Level.** No motorized vessel operated on the waters of this state may be operated such that it emits noise exceeding 86 decibels at a distance of 50 feet or more from the vessel.

(a) For the purposes of this Rule, noise level is assessed by one of the following SAE International measurement procedures. Exceeding 86 decibels under either measurement violates this Rule:

i. Stationary Sound Level Measurement Procedure SAE-J-2005.

ii. Shoreline Sound Level Measurement Procedure SAE J-1970.

(2) **Noise Emission Test.** Upon reasonable suspicion that a vessel is being operated in violation of this Rule, a Marine Patrol Trooper or other law enforcement officer may direct the operator to submit his or her vessel for a noise emission test.

(3) **Exception for Approved Marine Events.** The provisions of this Rule shall not apply in any marine event, approved in accordance with Rule 760 X 6 .17, where vessels are authorized to operate otherwise.

(4) **Violations.** It shall be unlawful for any person to operate, or give another person permission to operate, a vessel on the waters of this state in violation of this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.24 Diver Flag.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) DIVER. An individual engaging in diving activities.

(b) DIVING ACTIVITIES. Snorkeling, skin diving, scuba diving, or any other activity that involves an individual wholly or partially submerged underwater and equipped with a face mask and snorkel or an underwater breathing apparatus.

(2) **Design.** A diver flag displayed on the waters of this state shall meet the following specifications:

(a) The flag shall be red in color, with a white stripe running diagonally from the top staff corner to the bottom fly corner. The proportions of the flag and the stripe shall be sufficient for the red field and the white stripe to be visible from a distance of at least 100 feet (30.48 m).

(b) The flag shall be square or rectangular in shape. At a minimum, the flag must be 12 inches (304.8 mm) in length on each side, with a white stripe two inches (50.8 mm) wide.

(3) **Display Required.** Whenever one or more individuals are present in the water for diving activities, a diver flag shall be prominently displayed, visible from all directions, and maintained within a 50-foot (15.24 m) radius of the divers at all times. The following individuals shall make reasonable efforts to ensure that a diver flag is displayed in compliance with this section:

(a) The vessel's operator, if the diving activities are conducted from a vessel.

(b) A dive master, dive supervisor, or other individual leading or supervising the diving activities.

(c) The divers, if subsections (a) and (b) do not apply.

(4) **Failure to Display.** It shall be unlawful for any person listed in Section 3 to fail to act in compliance with Section 3.

(5) **Improper Display.** It shall be unlawful for any person to display a diver flag on the waters of this state when no divers are present in the water.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.25 Refusal to Submit to Inspection.

(1) Background.

(a) Section 33-5-11, Code of Alabama 1975, requires the vessel's certificate of registration to be available at all times for inspection whenever the vessel is in operation. Rule 760-X-6-.04 requires the operator to present the certificate upon the request of any federal, state, or local law enforcement officer.

(b) Rule 760-X-6-.04 requires valid lease or rental documents to be carried onboard the vessel when it is being operated pursuant to a lease or rental agreement and also requires the operator to present the certificate upon the request of any federal, state, or local law enforcement officer.

(c) Section 33-5-52, Code of Alabama 1975, generally requires individuals to procure a boater safety certification before operating a motorized vessel upon the waters of this state. Section 33-5-59, Code of Alabama 1975, requires the individual to have the certification in his or her possession at all times during operation and to present the certificate upon demand of any law enforcement officer.

(d) Section 33-6A-8, Code of Alabama 1975, authorizes the inspection of recreational vessels and residence boats for compliance with Title 33, Chapter 6A of the Code of Alabama 1975, and administrative rules promulgated thereunder, at any time if there is probable cause to believe that a violation has occurred. And relevant administrative rules require the operators of certain recreational vessels and residence boats to carry written permits onboard, readily available for inspection.

(e) Section 33-5-22, Code of Ala. 1975, requires every vessel, while 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.

(f) Rule 760-X-6-.23 requires a vessel operator to submit his or her vessel for a noise emission test upon the lawful direction of a law enforcement officer.

(2) Violations.

(a) It shall be unlawful for any person, when required by Title 33 of the Code of Alabama 1975 or any regulations promulgated thereunder to carry a document onboard for inspection, to refuse to allow a law enforcement officer to inspect the document upon lawful demand.

(b) It shall be unlawful for any person to refuse to allow a law enforcement officer to perform a lawful inspection of a vessel for the purposes of determining the vessel's compliance with the following:

i. This chapter's requirements for reasonable safety devices and lights.

ii. This chapter's noise level restrictions.

iii. Title 33, Chapter 6A of the Code of Alabama 1975 and any regulations promulgated thereunder.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79, 33-6A-2, 33-6A-8

History: New Rule: Published _____; effective _____.

Penalty: As provided by § 33-6A-8, Code of Alabama 1975, if applicable. Otherwise, as provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

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

(1) **Purpose.** Section 33-5-51(g), Code of Alabama 1975, establishes that it is a boating violation for any person to tow one or more individuals by personal watercraft, "unless the personal watercraft is equipped with rearview mirrors meeting the specifications established by the Secretary."

(2) **Mirror Requirements.** In order to tow one or more individuals by personal watercraft in compliance with § 33-5-51(g), Code of Alabama 1975, the personal watercraft must be equipped with two rearview mirrors that meet the following requirements:

(a) Each mirror shall contain a minimum viewing area of 65 square centimeters (~10.08 square inches), with a minimum viewing area height of 64 millimeters (~2.52 inches) and a minimum viewing area width of 100 millimeters (~3.93 inches).

(b) The minimum combined viewing area of both mirrors shall be 130 square centimeters (~20.15 square inches).

(c) Each mirror will be mounted or attached to the personal watercraft, one on the left side and one on the right side, in a manner that provides maximum rearward observation for the operator. Neither mirror may be mounted or attached to the steering mechanism of the personal watercraft.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-51, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.27 Fleeing or Attempting to Elude Marine Patrol Officer.

(1) **Signal to Stop.** A Marine Patrol Trooper or other law enforcement officer operating on or near the waters of this state may direct a vessel to stop by hand signal, voice, emergency light or siren, or any combination thereof.

(2) **Violations.** It shall be unlawful for any person operating a vessel to willfully fail or refuse to bring the vessel to a stop, or to otherwise flee or attempt to elude a pursuing law enforcement officer, after having received a visual or audible signal from the officer to bring the vessel to a stop.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.28 Altering or Defacing Boater Safety Certification.

It shall be unlawful for any person to willfully or knowingly alter or deface a boater safety certification.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.29 Penalties, Point System for Suspension.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) CONVICTION. A final conviction or any of the following, regardless of whether the penalty is rebated, suspended, or probated:

- i. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.
- ii. A plea of nolo contendere accepted by the court.
- iii. The payment of a fine.
- iv. A plea of guilty.
- v. A finding of guilt of a boating or vessel operation violation charge.

(2) **In General.**

(a) Except as provided in § 33-6A-8(b), Code of Alabama 1975, a person commits a boating violation by violating any Rule set forth in this chapter.

(b) Boating violations are simple violations under the Alabama Criminal Code, which are unclassified offenses punishable by imprisonment for not more than thirty days, a fine of not more than \$200, or both.

(c) In addition to these penalties, boating violations cause points to be assessed against an individual's boater safety certification or vessel operating privilege as provided in Section 3 and may lead to the suspension or revocation of the certification or privilege.

(3) **Point System.** Convictions for violations of boating safety laws and regulations shall contribute to an individual's point total under this Rule as follows:

(a) Six points shall be assessed for each of the following convictions:

i. A conviction that results from a charge involving the consumption of alcoholic beverages and the operation of a vessel, but that does not require mandatory suspension or revocation of the individual's boater safety certification or vessel operating privilege.

ii. A conviction for Reckless Operation pursuant to § 33-5-70, Code of Alabama 1975.

(b) Five points shall be assessed for a conviction for Careless Operation pursuant to § 33-5-70, Code of Alabama 1975.

(c) Four points shall be assessed for each of the following:

i. A conviction for Failure to Comply with the Water Traffic Rules of the Road promulgated in Rule 760-X-6-.07.

ii. A conviction for Obstructed View of the Operator pursuant to § 33-5-71, Code of Alabama 1975.

(d) Three points shall be assessed for each of the following:

i. A conviction for non-compliance with waterway traffic control devices (buoys/signs).

ii. A conviction for failure to submit an accident report as required by § 33-5-25, Code of Alabama 1975.

(e) Two points shall be assessed for a conviction for any safety equipment violation, or for any violation of this chapter not otherwise listed.

(f) Notwithstanding any other provisions of this section, and except as provided in § 33-5-62(b), Code of Alabama 1975, no points shall be assessed for any conviction that is over two years old. The age of a conviction for a particular offense shall be measured from the most recent conduct or court action constituting a "conviction" under Section (1)(a).

(4) **Suspension, Duration.** Except as otherwise provided by law—

(a) An individual who has received points under Section 3 will be subject to the suspension of his or her boater safety certification or vessel operating privilege whenever the individual has accumulated twelve or more points in a two-year period.

(b) The length of a suspension imposed pursuant to this Rule will be based on the total number of points accrued at the time of the suspension, in accordance with the following schedule:

i. 12 to 14 points in a two-year period: 60 days

ii. 15 to 17 points in a two-year period: 90 days

iii. 18 to 20 points in a two-year period: 120 days

iv. 20 to 23 points in a two-year period: 180 days

v. 24 or more points in a two-year period: 365 days

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-70, 33-5-75, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.30 Examination for Boater Safety Certification.

(1) Examination Format.

(a) The examination administered to an applicant for a boater safety certification shall be in writing and shall consist of a series of multiple-choice questions. The questions in the examination will address the following general subject areas:

i. Knowledge of equipment requirements (e.g., PFDs, fire extinguishers, emergency cut-off switches, navigation lights, flame arrestors, sound devices, diver flags, ventilation).

ii. Knowledge of safe operation and the water traffic rules of the road, including such matters as operator awareness, overloading and overpowering, speed regulations, motorboat operator's age, personal watercraft, rearview mirrors for personal watercraft towing, water skiing, DUI, vehicular homicide, reckless and careless operation, operator's restricted vision, and interference with navigation.

iii. Knowledge of aids to navigation, including such matters as the uniform state waterway marking system and the federal waterway marking system.

iv. Knowledge of duties in the event of a boating accident, including requirements for accident notification and reporting.

(2) Reporting Results of Examination. Ascertaining and reporting the results of the boater safety certification exam will be similar to the procedure followed for the motor vehicle driver license examination. Reports of all examinations shall be on forms provided or approved by ALEA and shall show whether the applicant passed the examination or not.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-33, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.31 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.32 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.33 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.34 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.35 Suspension Period Guidelines.

(1) **Purpose.** Section 33-5-75(k), Code of Alabama 1975, gives the Secretary of ALEA discretion, in specified circumstances, to suspend an individual's boater safety certification or operating privilege without a preliminary hearing. This Rule sets forth general guidelines for the length of a suspension imposed pursuant to § 33-5-75(k).

(2) **Guidelines Established.** Subject to the provisions of § 33-5-75, Code of Alabama 1975, the Secretary, when imposing a suspension pursuant to § 33-5-75(k), will consider the suspension period guidelines set forth in Table 1 of this Rule.

(3) **Effect of Guidelines.** The guidelines set forth in this Rule are non-binding. To the extent otherwise allowable by law, the Secretary may, at his or her discretion, impose suspensions that deviate from these guidelines for good cause notated in the suspension notification.

Table 1: Suspension Period Guidelines

Reason for Suspension	Recommended Suspension Period
"Has committed an offense for which mandatory revocation is required upon conviction." § 33-5-75(k) (1).	During the pendency of any proceeding for an offense for which mandatory revocation is required upon conviction.
"Has been convicted of any offense under Section 32-5A-191.3 which provides for suspension." § 33-5-75(k) (2).	The mandatory suspension period set forth in § 32-5A-191.3.
"Has been convicted of any offense of any law or rule which provides for suspension." § 33-5-75(k) (3).	A period determined by the Secretary, consistent with the law or rule violated and, if applicable, with Rule 760-X-6-.29.

"Has been convicted with frequency of serious offenses against boating or vessel operation laws or rules governing the movement of vessels indicating a disrespect for boating or vessel operation laws and a disregard for the safety of other persons on the waters of this state." § 33-5-75(k) (4) .	90 days
"Is an habitually reckless, careless, or negligent operator of a vessel, established by a record of accidents, or by other evidence." § 33-5-75(k) (5) .	90 days
"Is incompetent to operate a vessel." § 33-5-75(k) (6) .	During the period of incompetency
"Has permitted an unlawful or fraudulent use of certification." § 33-5-75(k) (7) .	90 days
"Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation." § 33-5-75(k) (8) .	A period determined by the Secretary, based on the applicable period of suspension had the offense occurred in Alabama.
"Has been convicted of fleeing or attempting to elude any law enforcement officer." § 33-5-75(k) (9) .	90 days

"Has violated a restricted boater safety certification pursuant to Section 33-5-61." § 33-5-75(k) (10) .	60 days
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Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-70, 33-5-75, 33-5-79

History: New Rule: Published _____; effective _____.

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

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) GULF SHORELINE. The shoreline of the Gulf of America, from the westernmost edge of Mobile Point to the Alabama-Florida border on Perdido Key.

(b) IDLE SPEED. The slowest speed at which a vessel can be operated and maintain steering.

(c) IDLE SPEED ZONE. Any area designated in Section 2 of this Rule.

(d) SOUTH DAUPHIN ISLAND SHORELINE. The south shoreline of Dauphin Island, from the westernmost end of the island to Fort Gaines.

(2) **Affected Areas.** This Rule applies in the following areas:

(a) The area beginning at the South Dauphin Island Shoreline and extending southward for a distance of 100 yards from the shoreline at each point.

(b) The area beginning at the Gulf Shoreline and extending southward to the southernmost edge of the first sand bar seaward of the shoreline at each point. This area excludes that part of Perdido Pass south of the Alabama State Route 182 bridge.

(3) **In General.** In any idle speed zone, it shall unlawful to operate a vessel at a rate of speed exceeding idle speed with the use of any motor.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.37 Gulf Shores Swimming Area.

(1) **Affected Area.** This Rule applies in the Municipal Swimming Area of the City of Gulf Shores, which is that portion of the Gulf of America that is -

(a) Bounded on the north by the main public beach area of the City of Gulf Shores, near the intersection of Alabama State Route 59 and Alabama State Route 182, and

(b) Bounded on the south by a line that runs parallel to the mean high tide line along said public beach area, at a distance of 400 feet from the mean high tide line, or at any lesser distance from the mean high tide line as the City of Gulf Shores may designate from day-to-day with buoys or other markers.

(2) **In General.** During the period of March 1 through October 31 of each year, it shall be unlawful for any individual to operate any vessel or craft in the Municipal Swimming Area of the City of Gulf Shores from sunrise until one hour after sunset.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-31, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.38 Closure of Gulf Waters Near Saltwater Fishing Piers.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) PROTECTED FISHING PIER. A saltwater fishing pier operated by DCNR or any authorized agent of DCNR.

(2) **Closure to Vessels.** Except as otherwise provided in this chapter, all waters of the Gulf of America within 100 yards of a protected fishing pier are closed to the operation of all vessels and craft, and it shall be unlawful for an individual to operate any vessel or craft in these waters.

(3) **Exception for Authorized Use.** It shall not be a violation of this Rule to operate a vessel or craft within 100 yards of a protected fishing pier if ALEA has provided express authorization for the operation, and the operator fully complies with the terms and conditions of that authorization.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.39 Bird Island/Walker Island Vessel Restrictions.

(1) **Affected Area.** This Rule applies in Baldwin County, in an area designated by a series of erected signs that is generally situated on or near Perdido Pass and Bayou St. John and in the vicinity of Bird Island and Walker Island.

(2) Certain Vessels Prohibited.

(a) It shall be unlawful to operate any vessel equipped with a propulsion engine in the area described in Section 1.

(b) It shall be unlawful to operate any vessel in the area described in Section 1, unless the vessel is propelled manually, by paddles or push poles.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-31, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.40 Old River Vessel Restrictions.

(1) **Affected Area.** This Rule applies in Baldwin County, in portions of Old River that are designated by a series of erected signs and that are generally situated between Ono Island and Perdido Key and in the vicinity of Ono Island, Rabbit Island, or both.

(2) **Use of Combustion Engines Prohibited.** In the area described in Section 1, the following restrictions apply:

(a) It shall be unlawful to operate a combustion engine on a vessel.

(b) It shall be unlawful to operate a vessel equipped with an internal combustion engine (e.g., a gasoline- or diesel-powered engine), unless all internal combustion engines are turned off and, to the extent possible, all internal combustion-powered propulsion devices are tilted or raised out of the water.

(c) Nothing in this section shall be construed to prohibit or otherwise restrict the use of electric motors.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-31, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.41 Three Mile Creek Vessel Restrictions.

(1) **Affected Area.** This Rule applies in Mobile County, from the headwaters of Three Mile Creek to the railroad bridge that spans Three Mile Creek at Telegraph Road.

(2) **Combustion Engines Prohibited.** It shall be unlawful to operate a vessel equipped with a combustion engine (e.g., a

gasoline- or diesel-powered engine) in the area described in Section 1.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-31, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

Penalty: As provided by §§ 33-5-62, 33-5-70, Code of Alabama 1975.

760-X-6-.42 Visual Distress Signals Required on Certain Waters.

(1) **Affected Areas.** This Rule applies in all coastal waters of the United States and in all waterways that are greater than two nautical miles wide.

(2) **Visual Distress Signals.**

(a) No vessel that is 16 feet (~4.88 meters) or more in length may operate in an area described in Section 1, unless the vessel is equipped with visual distress signals of a type approved by the USCG and a minimum number approved by the USCG.

(b) Subsection (a) does not apply to any manually propelled vessel, or to any sail-only vessel that is less than 26 feet (~7.92 meters) in length.

(3) **Minimum Carriage Requirements.** Pursuant to USCG regulations, a vessel equipped with pyrotechnic devices as visual distress signals must carry at least three signals onboard for day use and at least three signals onboard for night use.

(4) **Exception for Approved Marine Events.** The provisions of this Rule shall not apply in any marine event, approved in accordance with Rule 760-X-6-.17, where vessels or participants are authorized to operate otherwise.

(5) **Violations.** It shall be unlawful for any person to operate a vessel in the area described in Section 1 if the vessel is not equipped with visual distress signals as required by this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-22, 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.43 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.44 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.45 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.46 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.47 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.48 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.49 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

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

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) COVERED VESSEL. A recreational vessel or residence boat, as those terms are defined in § 33-6A-1, Code of Alabama 1975.

(b) MSD. Marine Sanitation Device, as that term is defined in § 33-6A-1, Code of Alabama 1975.

(c) PROTECTED WATERS. Any waters of this state where the discharge of treated sewage is prohibited by law.

(d) TYPE I MSD. Any MSD meeting the USCG's performance requirements for Type I classification. Commonly, this device is designed to treat sewage using maceration and disinfection and to discharge the treated sewage into the water.

(e) TYPE II MSD. Any MSD meeting the USCG's performance requirements for Type II classification. Commonly, this device is designed to treat sewage using biological treatment, or maceration and disinfection, and to discharge the treated sewage into the water.

(f) TYPE III MSD. Any MSD meeting the USCG's requirements for Type III classification. Commonly, this device functions as a holding tank where sewage is stored until it can be safely discharged elsewhere.

(2) **Purpose.**

(a) Pursuant to § 33-6A-3, Code of Alabama 1975, the discharge of untreated sewage is prohibited in all waters of this state.

(b) In certain waters of this state, the discharge of treated sewage is also prohibited by law.

(c) This Rule specifies how MSDs must be secured to prevent an unlawful discharge of sewage, based on the characteristics of the MSD.

(3) **Securing Type III MSDs.** In all waters of this state, any Type III MSD onboard a covered vessel shall be secured in a manner that prevents the discharge of any sewage, treated or untreated. Acceptable methods of securing a Type III MSD are as follows:

(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.

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

(4) **Securing Type I and Type II MSDs.** In protected waters, any Type I or Type II MSD onboard a covered vessel shall be secured in a manner that prevents the discharge of any sewage, treated or untreated. Acceptable methods of securing a Type I or Type II MSD are as follows:

(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.

(d) Using a padlock or doorhandle key lock to lock the door to the space enclosing the toilet(s).

(5) **Violations.** It shall be unlawful for any person to operate a covered vessel if any MSD onboard the vessel is not secured in compliance with this Rule.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

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

History: New Rule: Published _____; effective _____.

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

760-X-6-.51 Annual Inspections and Designation of Special Agents.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) ANNUAL INSPECTION. The yearly vessel inspection mandated by § 33-6A-6, Code of Alabama 1975, for all covered vessels on the waters of this state having an MSD on board.

(b) COVERED VESSEL. A recreational vessel or residence boat, as those terms are defined in § 33-6A-1, Code of Alabama 1975.

(c) INSPECTION RECORDS. Any paperwork or records of any type relating to annual inspections, including books, decals, and ledgers.

(d) MSD. Marine Sanitation Device, as that term is defined in § 33-6A-1, Code of Alabama 1975.

(2) **Designation of Special Agents.**

(a) ALEA may, at its discretion, designate special agents for the limited purpose of conducting annual inspections. No person shall be designated as a special agent pursuant to this Rule unless that person --

i. Possesses a valid Federal Tax Identification Number/Employee Identification Number;

ii. Possesses any and all city and county business licenses required where the person's business operations are headquartered, and the licenses are valid and current;

iii. Is bonded for a minimum of \$10,000 indemnity;

iv. Has received initial training for the proper recognition and technical understanding of MSDs, as designated or provided by Marine Patrol or by the Alabama Department of Conservation and Natural Resources;

v. Certifies, and submits proof to ALEA, that the person satisfies all requirements listed in paragraphs (i) through (iv); and

vi. Agrees to all of the following in a written agreement with ALEA:

(A) To maintain proper business licensing and at least \$10,000 in indemnity bond coverage.

(B) To periodically attend refresher training courses, on such terms as are required by ALEA.

(C) To comply with all policies and procedures established by ALEA.

(b) The Secretary, or other persons designated by the Secretary, shall have the power and authority to inspect and examine a special agent's inspection records at any reasonable time during business hours.

(c) ALEA may cancel the authorization of a special agent to conduct annual inspections at any time when ALEA, in its sole discretion, determines that canceling the authorization is in the best interests of the State. Upon cancelation, the special agent shall immediately remit all monies owed to ALEA under this Rule and shall immediately return all forms, decals, and inspection records to Marine Patrol.

(3) Conducting Annual Inspections.

(a) Marine Patrol will provide a special agent designated under this Rule with the forms and decals required to conduct annual inspections.

(b) For each annual inspection, the special agent must collect the inspection fee established in Section 4 and must complete and sign an inspection form that provides all of the following:

i. The date of the inspection.

ii. The name and physical address of the vessel's owner.

iii. The vessel's name, if applicable, and its current vessel registration number or USCG documentation number.

iv. The vessel's location.

v. The type of MSD inspected.

vi. If the vessel passed inspection, the decal number issued.

vii. Any other information required by the inspection form or ALEA's policies and procedures.

viii. The signature of the vessel owner or the owner's agent.

(c) The special agent shall ensure that all forms completed and inspection fees collected are filed with ALEA by the tenth day of the following calendar month.

(4) Inspection and Service Fees.

(a) The annual inspection fee for inspections conducted by special agents is \$10 per vessel. That amount shall be remitted to ALEA as provided in this Rule. The special agent may charge an additional service fee, retained by the agent, of not more than \$40 per vessel.

(b) The annual inspection fee for inspections conducted by ALEA personnel is \$50 per vessel.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

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

History: New Rule: Published _____; effective _____.

760-X-6-.52 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.53 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.54 Reserved.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig
Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79
History: New Rule: Published _____; effective _____.

760-X-6-.55 Authorized Emergency Vessels.

(1) **Definitions.** For the purposes of this Rule, the following terms shall have the following meanings:

(a) AUTHORIZED EMERGENCY VESSEL. A law enforcement, fire department, or emergency medical services vessel.

(b) EMERGENCY RESPONSE. Any of the following:

i. Responding to a fire, a collision site, an emergency call, a fire alarm, a vessel in distress, or any individuals in distress.

ii. Providing first aid or emergency medical care.

iii. Responding to an imminent threat of bodily injury to self or others.

iv. Pursuing or apprehending an actual or suspected violator of the law.

v. Responding to other exigent circumstances that require first responder assistance.

vi. Responding to an abandoned or derelict vessel.

vii. Directing, controlling, or regulating marine traffic at an emergency site.

(2) **Emergency Response Operations.** An authorized emergency vessel, when providing an emergency response, may be operated with the following privileges, notwithstanding any other rules in this chapter:

(a) The operator of the authorized emergency vessel may disregard any regulatory markers and any rules in this chapter that prohibit all vessels, or specific types of vessels, from being operated in a specified geographic area.

(b) When responding to any imminent threat to life or threat of bodily injury, or when in the pursuit of an actual or suspected violator of the law, the operator of the authorized

emergency vessel may take the following actions, if the operator makes reasonable efforts to warn any approaching vessels or individuals with a visual or audible signal:

- i. Disregard any restriction on vessel speed.
- ii. Disregard the water traffic "rules of the road" set forth in Rule 760 X 6 .07.
- iii. Disregard any otherwise applicable aids to navigation or regulatory markers.

(3) **Due Regard for Safety of Others.** Nothing in this Rule shall relieve the operator of an authorized emergency vessel from the duty to operate with due regard for the safety of all individuals, nor shall this Rule protect the operator from the consequences of his or her reckless disregard for the safety of others.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79

History: New Rule: Published _____; effective _____.

760-X-6-.56 Applicability.

Pursuant to § 41-27-6(c)(2), Code of Alabama 1975, "all functions of the Marine Police Division of the Department of Conservation and Natural Resources" are vested in ALEA's Department of Public Safety, Marine Patrol Division. The Secretary has authority to promulgate rules pertaining to the enforcement of Title 33, Chapter 5 of the Code of Alabama 1975, "Registration and Operation of Vessels," as well as other provisions of Title 33. See Ala. Code §§ 33-5-28, 33-5-62, 33-5-79, 41-27-7.1.

To the extent any rule in Chapter 220-6 of the Alabama Administrative Code, "Boat Registration and Numbering," conflicts with an administrative rule duly promulgated by the Secretary, ALEA's rule shall control, and the conflicting portion of Chapter 220-6 shall be of no effect.

Author: Chief Drew Brooks, Lt. Wade Fail, Joseph R. Latham, Noel S. Barnes, Kate Craig

Statutory Authority: Ala. Code §§ 33-5-28, 33-5-62, 33-5-79, 33-6A-2, 41-27-7.1

History: New Rule: Published _____; effective _____.