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SYNOPSIS:               Currently, it is not a violation of law for a boat operator to anchor a boat in tidal rivers flowing into Mobile Bay during a hurricane. During hurricanes, boats anchored under these circumstances often break free and cause damage to homes and property along the banks of these rivers.

                  This bill would: Prohibit the anchoring of a boat in such tidal rivers only during hurricanes as a criminal violation; would impose a fine for violations; would provide that the proceeds of the fines be deposited into the State General Fund for the law enforcement use of the Marine Police Division of the Department of Conversation and Natural Resources; and would create a civil action against boat owners whose boats cause injury or damage to other persons or property when anchored boats become unanchored and drift.

A BILL  
TO BE ENTITLED

1 AN ACT

2  
3 Relating to boating in tidal rivers flowing into  
4 Mobile Bay; to prohibit, as a criminal violation, a person  
5 from anchoring a boat or vessel in such a river channel during  
6 a hurricane period; to provide for a fine for violations; to  
7 deposit the proceeds of the fine into the State General Fund  
8 for the law enforcement use of the Marine Police Division of  
9 the Department of Conservation and Natural Resources; and to  
10 create a civil cause of action for a person having an injury  
11 or property damage resulting from an anchored boat becoming  
12 unanchored.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. During the period of a hurricane  
15 affecting Mobile Bay and for a 24-hour period preceding the  
16 landfall of a hurricane predicted by NOAA to affect Mobile  
17 Bay, a person shall not anchor a boat or vessel in the  
18 riverbed of any tidal river flowing into Mobile Bay for a  
19 distance of 15 miles upriver from the point the river flows  
20 into Mobile Bay.

21 Section 2. (a) Any person who violates the  
22 provisions of Section 1 is guilty of a criminal violation and  
23 shall be liable for a fine of one thousand dollars (\$1,000).

24 (b) The proceeds of any fine assessed and collected  
25 pursuant to this act shall be deposited into the State General  
26 Fund for the law enforcement use of the Marine Police Division  
27 of the Department of Conservation and Natural Resources.

1                   Section 3. (a) In addition to any other remedy  
2 provided by law, a civil cause of action is hereby created for  
3 a person who sustains personal injury or property damage  
4 against a boat or vessel operator caused by a boat or vessel  
5 anchored in a riverbed as prohibited by Section 1 that becomes  
6 unanchored and drifts, causing the injury or damage.

7                   (b) Subsection (a) shall not limit, restrict, or  
8 otherwise affect any other remedy provided by law for injury  
9 or damages described in subsection (a).

10                   Section 4. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.

1 SB451  
2 90681-1  
3 By Senator Brooks  
4 RFD: Judiciary  
5 First Read: 26-APR-07