

HOUSE BILL No. 1055

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-15-3; IC 14-15-13-3.

Synopsis: Wake boarding and wake surfing. Prohibits a person from operating on a public freshwater lake a motorboat that engages in wake boarding or wake surfing: (1) during the period between sunset and sunrise; or (2) in violation of a rule adopted by the natural resources commission (commission). Places restrictions that apply to wake boarding or wake surfing on a small public freshwater lake that is at least 70 acres but not more than 300 acres. Establishes a procedure for property owners on a public freshwater lake to petition the commission to adopt rules concerning wake boarding and wake surfing restrictions. Establishes a penalty. Provides that an individual may not operate a motorboat with: (1) an outboard engine; or (2) an outdrive unit with a propeller that extends past the motorboat's transom or swim platform; for the purpose of wake surfing.

Effective: Upon passage.

Abbott, Zent

January 4, 2022, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1055

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-222 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 222. "Public
3 freshwater lake", for purposes of **IC 14-15-3 and IC 14-26-2**, has the
4 meaning set forth in IC 14-26-2-3.

5 SECTION 2. IC 14-8-2-301.4 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: **Sec. 301.4. "Wake boarding", for**
8 **purposes of IC 14-15-3, has the meaning set forth in IC 14-15-3-1.4.**

9 SECTION 3. IC 14-8-2-301.6 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: **Sec. 301.6. "Wake surfing", for**
12 **purposes of IC 14-15-3 and IC 14-15-13-3, has the meaning set**
13 **forth in IC 14-15-3-1.6.**

14 SECTION 4. IC 14-15-3-1.4 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: **Sec. 1.4. As used in this chapter, "wake**
17 **boarding" means:**



1 (1) to use a short board with or without foot bindings on
2 which a rider is towed by a motorboat across a wake; or

3 (2) to operate a motorboat that creates a wake that tows or is
4 intended to tow a person who uses a short board with or
5 without foot bindings on which the person is towed by the
6 motorboat across the boat's wake.

7 SECTION 5. IC 14-15-3-1.6 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 1.6. As used in this chapter, "wake surfing"**
10 **means:**

11 (1) to surf a wake, regardless of whether the person is being
12 pulled by a tow rope attached to the motorboat that is
13 producing the wake; or

14 (2) to operate a motorboat that creates a wake that is or is
15 intended to be surfed by another person.

16 SECTION 6. IC 14-15-3-8.1 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: **Sec. 8.1. A person may not operate a motorboat**
19 **on a public freshwater lake while engaging in wake boarding or**
20 **wake surfing during the period between sunset and sunrise.**

21 SECTION 7. IC 14-15-3-10 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a)** Subject to
23 section 11 of this chapter, a person may not operate a motorboat upon
24 a small lake at a speed greater than ten (10) miles per hour.

25 **(b) A person may not operate a motorboat upon a small lake**
26 **while engaging in wake boarding or wake surfing unless:**

27 (1) it is during the time and day of a speed exemption that,
28 before July 1, 2022, is granted for the small lake under section
29 11 of this chapter; or

30 (2) a rule is adopted for the small lake under section 21.1 of
31 this chapter.

32 **(c) A rule adopted under section 21.1 of this chapter supersedes**
33 **any time or day restrictions placed by subsection (b)(1) as it relates**
34 **to wake boarding or wake surfing on a small lake.**

35 SECTION 8. IC 14-15-3-21.1 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: **Sec. 21.1. (a) The commission may**
38 **adopt rules under IC 4-22-2 to add or amend the restrictions on a**
39 **person operating a motorboat on a public freshwater lake while**
40 **engaging in wake boarding or wake surfing, if a majority of the**
41 **abutting property owners petition the commission as provided in**
42 **this section.**



1 **(b) A petition under this section must specify the amended**
 2 **restriction on wake boarding or wake surfing that is being**
 3 **requested. The request must include at least one (1) of the**
 4 **following:**

5 **(1) Add or amend a restriction on the days of the week wake**
 6 **boarding or wake surfing is allowed.**

7 **(2) Add or amend a restriction on the time of day wake**
 8 **boarding or wake surfing is allowed.**

9 **(3) Add or amend a restriction on the distance from the shore**
 10 **that wake boarding or wake surfing is allowed.**

11 **(4) Add or amend a prohibition on wake boarding or wake**
 12 **surfing on a portion of the public freshwater lake for at least**
 13 **one (1) of the following:**

14 **(A) An unreasonable hazard to persons or property would**
 15 **result.**

16 **(B) An unreasonable hazard to fish, wildlife, or botanical**
 17 **resources would result.**

18 **(c) The commission may not establish a restriction that deviates**
 19 **from the restriction requested in the petition under subsection (b).**

20 **(d) The commission may adopt rules under IC 4-22-2 to rescind**
 21 **or amend a restriction granted under subsection (a) if a majority**
 22 **of the abutting property owners of a public freshwater lake that**
 23 **has been granted a restriction under this section petitions the**
 24 **commission in substantial accordance with the appropriate**
 25 **corresponding requirements of subsection (f) to rescind or amend**
 26 **the restriction. Two (2) years must elapse before the commission**
 27 **may amend or rescind a rule adopted under this section.**

28 **(e) Before the adoption of a rule under subsection (a), the**
 29 **commission must certify that the petition represents a majority of**
 30 **the abutting property owners. If a petition has listed one (1) or**
 31 **more hazardous conditions under subsection (b)(4), the commission**
 32 **shall make a determination if the conditions exist. A determination**
 33 **under this subsection is subject to IC 4-21.5.**

34 **(f) A petition under this section must be in the following form:**

35 **To the State of Indiana**

36 **Department of Natural Resources**

37 **The undersigned, all owners of abutting property to (name of**
 38 **lake) and situated in _____ County, Indiana, petition the**
 39 **department to post the wake boarding or wake surfing restrictions**
 40 **on (name of lake) as specified in IC 14-15-3-21.1(b) as follows:**

41 **(Petition to specify any restrictions listed above.)**

42 **We certify that the signatures listed on this petition represent a**



1 majority of bona fide property owners of abutting property of
 2 (name of lake), as recorded in the office of the county recorder of
 3 (name of county). The department may verify the validity of the
 4 signatures. We also understand and agree that this petition, when
 5 certified, may not be changed or altered within two (2) years from
 6 the date of the certification.

7 _____
 8 **Signed** _____ **Lake Property Address**
 9 _____
 10 **Date**

11 **(g) A rule adopted under this section may be more restrictive**
 12 **than is required under section 8.1 of this chapter.**

13 SECTION 9. IC 14-15-3-31, AS AMENDED BY P.L.195-2014,
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 31. (a) A person who violates section 2, 3, 5,
 16 7, 8, **8.1**, 9, 10, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, or 30
 17 of this chapter or a rule adopted under section 21.1 of this chapter
 18 commits a Class C infraction.

19 (b) A person who knowingly or intentionally violates section 6 of
 20 this chapter commits a Class C misdemeanor.

21 SECTION 10. IC 14-15-13-3, AS AMENDED BY P.L.164-2020,
 22 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 3. An individual may not do the following:

- 24 (1) Operate a motorboat inboard or have the inboard engine of a
 25 motorboat run idle while an individual is holding onto the swim
 26 platform, swim deck, swim step, swim ladder or any part of the
 27 exterior of the transom of a motorboat while the motorboat is
 28 underway at any speed.
- 29 (2) Operate a motorboat powered by an outboard motor or
 30 equipped with an outdrive unit while an individual is:
 - 31 (A) holding onto the swim platform, swim deck, swim step,
 32 swim ladder or any portion of the exterior of the transom of a
 33 motorboat while the motorboat is underway at any speed; or
 - 34 (B) swimming, or floating on or in the wake directly behind a
 35 motorboat that is underway.
- 36 (3) Operate a motorboat with the number of individual riders on
 37 a towed device that exceeds the listed capacity on the towed
 38 device or the owner's manual.
- 39 **(4) Operate a motorboat with:**
 - 40 **(A) an outboard engine; or**
 - 41 **(B) an outdrive unit with a propeller that extends past the**
 42 **motorboat's transom or swim platform;**



1 **for the purpose of wake surfing.**
2 **SECTION 11. An emergency is declared for this act.**

