

## **HB 121 FAQ: How, what, why, where, when?**

### **How did HB 121 come about?**

HB 121 is the result of several organizations working to address safety and property damage concerns related to large wakes. These include the LRA Water Safety Committee, the LRA Executive Committee, the Lake Burton Civic Association, the wake boat industry, the Georgia DNR and our elected Georgia legislators. Last fall, the LRA passed a resolution supporting pursuit of legislation addressing this issue. That resolution was presented to membership at the Labor Day 2022 meeting. HB 121 is the political outcome from that effort, resulting from inputs, ideas and work by many different parties representing many different interests.

### **What does HB 121 do and not do?**

HB 121 establishes regulations around the **ACTIVITIES** of wake surfing and wakeboarding. It does not regulate specific types of boats, and no boat has been prohibited. It is the activity of wakeboarding, wake surfing, or casting a surfable wave that is regulated by HB 121.

### **Where does HB 121 apply?**

HB 121 applies to all public waters of the State of Georgia. This legislation applies to all public lakes in Georgia and is not unique to Lake Rabun.

### **How do the regulations under HB 121 work?**

HB 121 defines wakeboarding and wake surfing and creates new regulations for both activities. Quoted from the operative section of HB 121:

“No person shall engage in wake surfing or wakeboarding upon waters of this state:

- 1) Between sunset and sunrise,
- 2) Within 200 feet of any moored vessel; any wharf, dock, pier, piling, or bridge structure or abutment; or any shoreline adjacent to a full-time or part-time residence, public park, public beach, public swimming area, marina, restaurant, or other public use area, or
- 3) When surfing a wake or being towed without wearing a personal flotation device.”

HB 121 also defines wake surfing to INCLUDE “operating a motorboat in a manner that creates a wake that is capable of being surfed by another person.” This provision prohibits casting a surf wake within 200 feet of the shore even when there is no surfer in or on the water.

### **Why does HB 121 include wakeboarding?**

LRA’s resolution did not seek to include wakeboarding in legislation. During the legislative process HB 121 language was derived from recently enacted legislation from the State of Tennessee. That legislation included wakeboarding, so it was included in Georgia’s bill.

### **When does HB 121 go into law?**

New legislation in the State of Georgia becomes effective July 1 in the year passed.

### **Who will enforce HB 121?**

The Georgia Department of Natural Resources (DNR) enforces all boater operator and safety laws on inland waters and lakes, sometimes assisted by local law enforcement. DNR officers will use their judgement to determine when a violation has occurred. For egregious violations or repeat offenders it is more likely a citation will be issued. It is expected that during an educational period that warnings to violators will be issued. Following that period, violators could be subject to citation and fines. It is our recommendation that you follow the law now.

### **What are the practical implications of HB 121 on Lake Rabun?**

Wakeboarding and wake surfing will be prohibited in any sections of Lake Rabun narrower than 400 feet (to allow for a 200-foot buffer on each side of the boat). This requirement will prohibit wakeboarding and wake surfing in the Narrows. The Narrows will **NOT** be a no-wake zone, and cruising, water skiing and tubing may still take place in the Narrows.

### **How will we know where the 200-foot buffer is?**

The LRA is producing a map with the assistance of the University of North Georgia that shows an approximate 200-foot buffer contour around the lake. It is the responsibility of the boat operator to understand where wakeboarding and wake surfing are permitted.

### **Does HB 121 affect placement of private buoys?**

HB 121 has no regulatory impact over the placement of buoys. Placement of buoys by homeowners is regulated by Georgia Power Company and enforced by GPC and the DNR. Here are the published GPC regulations regarding private buoys on all of GPC's North Georgia lakes including Lake Rabun:

"Only DNR or other agency-authorized regulatory buoys are permitted, and all other buoys, floats, swimming ropes, etc., must meet the following guidelines:

- they are only permitted to be in the lake between Memorial Day and Labor Day
- they must be located no further than 50 feet from the shoreline and must not interfere with the legal flow of boat traffic
- they are not allowed to have the appearance of a state-enforced regulatory marker.

Any buoys or other apparatus not complying with this guideline are subject to removal by GPC or GADNR."

<http://georgiapowerlakes.com/northgeorgialakes/2021/05/13/swim-buoys/>

### **What educational steps will take place along with the new regulations under HB 121?**

The LRA will take steps to ensure that membership is aware of HB 121 well prior to its July 1<sup>st</sup> effective date. We will discuss HB 121 at the LRA Memorial Day meeting, will send out the bill in a blast e-mail, and members of the Water Safety Committee will be available to answer questions. The Water Safety Committee will also present a Lake Rabun "best practices" boating operator class that will be held on Saturday June 24, 2023 at the Pavilion. This class will cover HB 121, as well as offer suggestions for safe navigation and responsible skiing, tubing, wakeboarding, and wake surfing. We encourage your attendance.