

Senate Bill 83

By: Senator Gillis of the 20th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 27 of the Official Code of Georgia Annotated, the "Game and Fish
2 Code," so as to change certain definitions; to assent to certain federal laws; to provide for
3 the use of certain funds; to change certain provision relative to hunting, trapping, and
4 fishing in certain public areas; to establish criminal violations of certain rules and
5 regulations; to repeal certain provisions relative to lifetime sportsman's licenses; to
6 provide for the sale of hunting, fishing, and trapping licenses by telephone and over the
7 Internet; to exempt certain minors hunting under the supervision of an adult from hunter
8 education course requirements; to change certain provisions relative to who is required to
9 have a license to hunt or fish in certain circumstances; to provide that nonresidents shall
10 be required to possess a hunting license to hunt big game; to permit hunting with recurve
11 bows under certain conditions; to provide for certain protection from civil liability; to
12 require certain clothing for bear hunters during firearms and primitive weapons season; to
13 prohibit feeding or baiting bears; to provide for relevant matters; to provide an effective
14 date; to repeal conflicting laws; and for other purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

16 **SECTION 1.**

17 Title 27 of the Official Code of Georgia Annotated, the "Game and Fish Code," is
18 amended by striking in their entirety paragraphs (39) and (60) of Code Section 27-1-2,
19 relating to definitions relative to such title, and inserting in lieu thereof, respectively, the
20 following:

21 "(39) 'Hunting' means pursuing, shooting, killing, taking, or capturing wildlife or feral
22 hogs. This term also includes acts such as placing, setting, drawing, or using any device
23 used to take wildlife or feral hogs, whether any such act results in taking or not, and
24 includes every act of assistance to any person in taking or attempting to take such
25 wildlife or feral hogs."

1 Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92,
2 prior to expending any such miscellaneous funds."

3 **SECTION 4.**

4 Said title is further amended by striking in its entirety subsection (a) of Code Section
5 27-1-33, relating to noncompliance with laws while on a fishing area, fish hatchery,
6 natural area, and wildlife management area and hunting without a wildlife management
7 area stamp, and inserting in lieu thereof the following:

8 "(a) It shall be unlawful to enter upon or to hunt, trap, or fish on any public fishing
9 area, fish hatchery, or natural area, or wildlife management area owned or operated by
10 the department except in compliance with all applicable laws and all rules and
11 regulations promulgated by the board including, but not limited to, any law, rule, or
12 regulation relating to seasons or bag limits or requiring a special permit. Further, it shall
13 be unlawful for any person except those specifically excluded by law to hunt on a
14 wildlife management area without a valid wildlife management area stamp license as
15 authorized by Code Section 27-2-23. ~~Such stamp must be affixed to a valid hunting~~
16 ~~license and signed by the license holder."~~

17 **SECTION 5.**

18 Said title is further amended by striking in its entirety Code Section 27-1-39, relating to
19 rules and regulations used to establish criminal violations, and inserting in lieu thereof
20 the following:

21 "27-1-39.

22 Notwithstanding any other law to the contrary, for purposes of establishing criminal
23 violations of the rules and regulations promulgated by the Board of Natural Resources
24 as provided in this title, the terms 'rules' and 'regulations' shall mean those rules and
25 regulations of the Board of Natural Resources in force and effect on ~~October 1, 1998~~
26 July 1, 2001."

27 **SECTION 6.**

28 Said title is further amended by striking in its entirety Code Section 27-2-2, relating to
29 the issuance and sale of hunting, fishing, and trapping licenses and related matters, and
30 inserting in lieu thereof the following:

31 "27-2-2.

32 (a) Hunting, fishing, and trapping licenses shall be issued and sold by the department
33 on forms containing such information as may be prescribed by the department. As used
34 in this Code section, the term 'license' shall include all permits, licenses, or stamps

1 issued by the department under Code Section 27-2-23. Licenses for hunting and fishing
2 may be sold in each county by persons approved by the department to be license agents.

3 (b) Each license agent may be required to:

4 (1) Remit to the department a premium which shall entitle him or her to coverage
5 under a blanket performance bond provided by the department. The premium, which
6 may include the reasonable cost of administering a self-insurance program, shall be in
7 an amount determined by the commissioner, and shall be due and payable annually
8 upon billing by the department;

9 (2) Account for all license sales and the monetary receipts from such sales in reports
10 to the department, which reports shall be on a schedule and in a form specified by the
11 written agreement between the license agent and the department. Failure to remit
12 license sales receipts as specified in the agreement may result in suspension of the
13 license agent's ability to sell licenses; and

14 (3) Receive for himself or herself no more than 60¢ for each license issued, except
15 for nonresident hunting licenses and resident sportsman licenses, for which the license
16 agent may receive \$1.25 for each license issued, and except for licenses sold by
17 telephone by an approved telephone license agent or over the Internet by an approved
18 Internet license agent, for which the agent may charge and receive up to \$5.00 per
19 transaction in addition to the actual cost of the license or licenses sold during the
20 transaction; provided, however, that a neither the telephone license agent nor the
21 Internet license agent shall ~~not~~ receive any additional fee per license sold during a
22 telephone or Internet transaction; provided, further, that the sale of one or more
23 licenses to one applicant during one telephone call or one Internet session shall
24 constitute a single transaction.

25 (b.1) Any person who applies to be a license agent after June 30, 1998, shall be
26 assessed a fee not to exceed the fair market cost of automated licensing equipment the
27 department shall install in such agent's place of business. Such fees shall be due and
28 payable upon installation of the automated equipment.

29 (c) The commissioner may either purchase a blanket performance bond for the
30 department's license agents from or through the Department of Administrative Services
31 or any other source or establish a self-insurance bond by retaining all moneys paid to
32 the department for the premium established pursuant to subsection (b) of this Code
33 section, all moneys received as interest, and nonappropriated funds received from other
34 sources to establish and maintain a reserve fund for the purpose of making payments to
35 the department upon the defalcations of license agents and defraying the expenses
36 necessary to administer the program; provided, however, that no revenue collected from
37 taxes, fees, and assessments for state purposes shall be deposited in such fund. The

1 commissioner shall invest any such moneys in the same manner as other moneys in his
 2 or her possession. The commissioner is authorized, in his or her discretion, to contract
 3 for any or all of the services necessary to carry out the functions enumerated in this
 4 Code section.

5 (d) Prior to selling any license, except for a license sold over the telephone by an
 6 approved telephone license agent or over the Internet by an approved Internet license
 7 agent, each license agent shall require each person desiring to purchase a license to
 8 display a driver's license or equally reliable identification of the individual and the
 9 current residence and age of such individual. In the event the department determines
 10 that a license agent has intentionally or negligently sold a resident license to a person
 11 who is a nonresident or who is underage, the department may immediately withdraw
 12 the authority of such license agent to issue and sell licenses on behalf of the
 13 department, provided that the department shall not withdraw the license agent's
 14 authority until the license agent has been given ten days' written notice of intention to
 15 withdraw authority setting forth the reason or reasons for the withdrawal and giving the
 16 license agent a hearing in the county of said agent's residence on the reasons for
 17 withdrawal."

18 **SECTION 7.**

19 Said title is further amended by striking in their entirety subsections (a) and (d) of Code
 20 Section 27-2-3.1, relating to archery and primitive weapons hunting licenses, all weapons
 21 hunting licenses, sportsman licenses, and related matters, and inserting in their respective
 22 places the following:

23 "(a) Persons hunting during any archery season or primitive weapons season must
 24 purchase ~~either a primitive weapons license or an archery license~~, unless otherwise
 25 provided by this title."

26 "(d) All licenses, stamps, or permits for noncommercial hunting and fishing privileges
 27 must be attached to or printed on a form provided by the department which must
 28 include the applicant's name, address, ~~telephone number, height, weight,~~ date of birth,
 29 and hunter safety certification number; provided, however, that each such item of
 30 information may be, but is not required to be, printed on lifetime licenses."

31 **SECTION 8.**

32 Said title is further amended by striking in its entirety Code Section 27-2-5, relating to
 33 required hunter education programs, and inserting in lieu thereof the following:

34 "27-2-5.

1 (a) It shall be unlawful for any person born on or after January 1, 1961, to procure a
2 hunting license or to hunt by means of weapons in this state unless that person has been
3 issued a certificate or other evidence the department deems acceptable which indicates
4 satisfactory completion of a hunter education course as prescribed by the board.

5 Persons ages 16 through 25 shall provide such certificate or other evidence to the
6 issuing agent at the time of purchase of a hunting license. All persons required by this
7 subsection to complete a hunter education course, by signing such license, ~~or by~~
8 receiving a temporary license identification number, or by receiving a license from a
9 telephone license agent, Internet license agent, or other vendor, shall certify their
10 compliance with this subsection.

11 (b) It shall be unlawful for any person authorized to issue hunting licenses in this state
12 to issue a hunting license to any person age 16 through 25 unless that license agent
13 shall have been provided with a certificate showing the license applicant has
14 satisfactorily completed a hunter education course as prescribed by the board, or to any
15 other person born on or after January 1, 1961, unless such person provides such other
16 evidence of completion of a hunter education course as the department deems
17 acceptable. Internet and telephone license agents may accept a valid hunter education
18 certificate number as fulfillment of this requirement.

19 (c) It shall be unlawful for any person age 16 through 25 who is not required by law to
20 obtain a hunting license to hunt in this state unless that person carries on his or her
21 person while hunting a certificate attesting to that person's satisfactory completion of a
22 hunter education course as prescribed by the board. Such person shall present his or her
23 certificate to a conservation ranger or deputy conservation ranger for inspection upon
24 demand.

25 (d) Any person who is age 12 through 15 shall satisfactorily complete a hunter
26 education course as a prerequisite to hunting with a weapon in this state. It shall be
27 unlawful for any adult to permit his or her child or ward age 12 through 15 to hunt with
28 a weapon unless the child has a certificate attesting to his or her satisfactory completion
29 of such course on his or her person; provided, however, that a hunter education course
30 is not required for a child age 12 through 15 years who is hunting under plain view
31 supervision of a licensed adult hunter age 21 years or older.

32 (e) Any person applying for a season nonresident hunting license may provide a
33 certificate of completion or such other evidence of completion the department deems
34 acceptable of the official hunter education or hunter safety course of such person's state
35 of residence if that course shall have been approved by the department. Those persons
36 applying for a ~~nonresident~~ hunting license other than a season ~~nonresident~~ hunting

1 license shall not be required to exhibit such a certificate or to complete a hunter
2 education course in order to obtain the license.

3 (f) By rule or regulation, the board shall prescribe a course of instruction in
4 competency and safety in hunting and in the handling of weapons. The board shall also
5 prescribe procedures whereby competent residents of this state shall be certified as
6 hunter education instructors. The board may provide, by rule or regulation, for charging
7 reasonable fees for the issuance by the department of duplicate certificates of
8 completion of a hunter education course and for hunter education courses in order to
9 defray the expenses of conducting such courses. Any such fees shall be deemed as
10 'other income' of the department for purposes of subsection ~~(a)~~ (c) of Code Section
11 27-1-13.

12 (g) Any person violating any provision of this Code section shall be guilty of a
13 misdemeanor; provided, however, that this subsection shall not apply to any person
14 under the age of 16.

15 (h) The requirements of subsections (c) and (d) of this Code section shall not apply to
16 any person hunting on his or her own land or that of his or her parents or legal guardian
17 or to persons permitting a child or ward aged 12 through 15 years to hunt on the
18 parent's or guardian's own land."

19 **SECTION 9.**

20 Said title is further amended by striking in its entirety Code Section 27-2-6, relating to
21 trout stamps, official Georgia waterfowl stamps, and big game licenses, and inserting in
22 lieu thereof the following:

23 "27-2-6.

24 (a) It shall be unlawful for any ~~resident of this state~~ person who has attained the age of
25 16 years ~~and for any nonresident, regardless of age,~~ to fish for or possess mountain
26 trout or to fish in any waters designated as trout waters or trout streams pursuant to
27 Code Section 27-4-51 unless such person has in his or her possession a trout license in
28 addition to his or her fishing license.

29 (b) It shall be unlawful for any ~~resident of Georgia~~ person who has attained the age of
30 16 years ~~and for any nonresident, regardless of age,~~ to hunt or possess big game unless
31 such person has in his or her possession a big game license in addition to the required
32 hunting license; provided, however, that all nonresidents, regardless of age, must
33 possess a nonresident hunting license along with any harvest records required by law or
34 regulation to hunt big game in this state.

35 (c) It shall be unlawful for any ~~resident of Georgia~~ person who has attained the age of
36 16 years ~~and for any nonresident, regardless of age,~~ to hunt ducks, geese, or swans

1 unless such person has in his or her possession an official Georgia waterfowl license in
2 addition to the required hunting license.

3 (d) No resident of this state shall be required to obtain a trout license, official Georgia
4 waterfowl license, or big game license to hunt, fish, or trap on premises owned by him
5 or her or his or her immediate family.

6 (e) Any visitor to a state park, whether a resident or nonresident of Georgia, shall not
7 be required to purchase a trout license when fishing in impounded waters on lands
8 owned or leased by the department."

9 **SECTION 10.**

10 Said title is further amended by striking in its entirety subsection (a) of Code Section
11 27-2-20, relating to federal migratory bird hunting and conservation stamps and
12 participation in federal Migratory Bird Harvest Information Program, and inserting in
13 lieu thereof the following:

14 "(a) It shall be unlawful for any person 16 years of age or older to hunt brant, ducks,
15 geese, and swans in this state without a federal migratory bird hunting and conservation
16 stamp."

17 **SECTION 11.**

18 Said title is further amended by striking in its entirety subsection (e) of Code Section
19 27-3-1, relating to a requirement of permission to hunt on lands of another, such written
20 permission, enforcement, and immunity of the landowner from civil liability, and
21 inserting in lieu thereof the following:

22 "(e) Any owner of land, lessee of land, or lessee of the game or fishing rights to land
23 who gives permission to another person to hunt, fish, or take wildlife upon the land
24 with or without charge shall be entitled to the same protection from civil liability
25 provided by Article 2 of Chapter 3 of Title 51 for landowners who allow the public to
26 use their land for recreational purposes without charge."

27 **SECTION 12.**

28 Said title is further amended by striking in their entirety paragraphs (1), (2), (3), (4), and
29 (7) of Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, and
30 inserting in lieu thereof, respectively, the following:

31 "(1) Longbows, recurve bows, and compound bows may be used for taking small
32 game or big game. Arrows for hunting deer must be broadhead type;

33 (2) During primitive weapon hunts or primitive weapons seasons, longbows, recurve
34 bows, compound bows, muzzleloading rifles firearms of .44 caliber or larger with iron

1 sights only and without telescopic sights and muzzleloading shotguns of 20 gauge or
2 larger loaded with single shot may be used;

3 (3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns
4 or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted
5 on state wildlife management areas unless otherwise specified), muzzleloading ~~rifles~~
6 firearms of .44 caliber or larger, and rifles using any center-fire cartridge .22 caliber
7 or larger; provided, however, that firearms for hunting feral hogs, other than those
8 weapons specified in this paragraph, may be authorized by rule or regulation of the
9 board. Handguns capable of delivering at least 500 foot-pounds of energy at a
10 distance of 100 yards may be used for hunting deer, bear, or feral hogs. Bullets used
11 in all rifles and handguns must be of the expanding type;

12 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size
13 of no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
14 approved nontoxic shot size of F or smaller shot, .22 rimfire firearms, muzzleloading
15 firearms, longbows, recurve bows, and compound bows; provided, however, that
16 nothing contained in this paragraph shall permit the taking of protected species;"

17 "(7) It shall be unlawful to hunt turkey with any weapons except shotguns using No.
18 2 shot or smaller, muzzleloading ~~rifles~~ firearms, longbows, recurve bows, or
19 compound bows. Any person taking turkey in violation of this paragraph shall be
20 guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a
21 misdemeanor, except that a fine imposed for such violation shall not be less than
22 \$250.00;"

23 SECTION 13.

24 Said title is further amended by striking in its entirety Code Section 27-3-25, relating to
25 hunting bears and required outer garments, and inserting in lieu thereof the following:

26 "27-3-25.

27 It shall be unlawful for any person to hunt bears or for any person to accompany
28 another person hunting bears unless each person shall wear a total of at least 500 square
29 inches of daylight fluorescent orange material as an outer garment during firearms and
30 primitive weapons seasons. Such clothing must be worn above the waistline and may
31 include a head covering."

32 SECTION 14.

33 Said title is further amended by inserting immediately following Code Section 27-3-27,
34 relating to unlawful use of bear bait, a new Code section to read as follows:

35 "27-3-28.

1 It shall be unlawful for any person willfully to feed or bait any wild bear not in
2 captivity. For purposes of this Code section, willfully placing, exposing, or tossing any
3 food item edible by bears to or in the vicinity of a live bear or willfully leaving any
4 such item in or near the area where a bear is known to frequent shall constitute the
5 willful feeding or baiting of a wild bear."

6 **SECTION 15.**

7 All laws and parts of laws in conflict with this Act are repealed.