

House Bill 171

By: Representatives Lane of the 146th and Morris of the 155th

A BILL TO BE ENTITLED
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

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

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

23 "(60) 'Resident' means any ~~citizen of the United States~~ person who has been domiciled
24 within the State of Georgia for a period of at least three months."

25 style="text-align:center">**SECTION 2.**

1 Said title is further amended by striking in its entirety Code Section 27-1-10, relating to
 2 assent to federal law respecting wildlife restoration and fish restoration projects, and
 3 inserting in lieu thereof the following:

4 "27-1-10.

5 The State of Georgia assents to the provisions of P.L. 75-415 and P.L. 81-681. The
 6 department is authorized, empowered, and directed to perform such acts as may be
 7 necessary to establish and conduct cooperative wildlife restoration projects as defined in
 8 P.L. 75-415, and cooperative fish restoration projects as defined in P.L. 81-681, and
 9 wildlife education projects and wildlife recreation projects as defined in P.L. 106-553,
 10 as well as the regulations promulgated under those federal acts. No funds accruing to
 11 the state from license fees paid by hunters or fishermen or interest thereon shall be
 12 diverted for any purpose other than the administration of the department and for the
 13 study, protection, preservation, restoration, or propagation of fish and wildlife in this
 14 state."

15 **SECTION 3.**

16 Said title is further amended by striking in its entirety subsection (c) of Code Section
 17 27-1-13, relating to the disposition of certain funds, and inserting in lieu thereof the
 18 following:

19 "(c) Notwithstanding any other law to the contrary, the department is authorized to
 20 retain all miscellaneous funds generated by the operation of its wildlife management
 21 areas and refuges, and its public fishing areas, and its wildlife, hunter, and boating
 22 education programs for use in the operation and maintenance of those areas, and
 23 refuges, and programs. Any such funds not expended for this purpose in the fiscal year
 24 in which they are generated shall be deposited in the state treasury. Nothing in this Code
 25 section shall be construed so as to allow the department to retain any funds required by
 26 the Constitution of Georgia to be paid into the state treasury. The department shall
 27 comply with all provisions of Code Section 45-5-7, Parts 1 and 2 of Article 4 of Chapter
 28 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any
 29 such miscellaneous funds."

30 **SECTION 4.**

31 Said title is further amended by striking in its entirety subsection (a) of Code Section
 32 27-1-33, relating to noncompliance with laws while on a fishing area, fish hatchery,
 33 natural area, and wildlife management area and hunting without a wildlife management
 34 area stamp, and inserting in lieu thereof the following:

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

10 **SECTION 5.**

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

14 "27-1-39.

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

20 **SECTION 6.**

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

24 "27-2-2.

25 (a) Hunting, fishing, and trapping licenses shall be issued and sold by the department
 26 on forms containing such information as may be prescribed by the department. As used
 27 in this Code section, the term 'license' shall include all permits, licenses, or stamps
 28 issued by the department under Code Section 27-2-23. Licenses for hunting and fishing
 29 may be sold in each county by persons approved by the department to be license agents.

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

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

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

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

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

21 (c) The commissioner may either purchase a blanket performance bond for the
 22 department's license agents from or through the Department of Administrative Services
 23 or any other source or establish a self-insurance bond by retaining all moneys paid to
 24 the department for the premium established pursuant to subsection (b) of this Code
 25 section, all moneys received as interest, and nonappropriated funds received from other
 26 sources to establish and maintain a reserve fund for the purpose of making payments to
 27 the department upon the defalcations of license agents and defraying the expenses
 28 necessary to administer the program; provided, however, that no revenue collected from
 29 taxes, fees, and assessments for state purposes shall be deposited in such fund. The
 30 commissioner shall invest any such moneys in the same manner as other moneys in his
 31 or her possession. The commissioner is authorized, in his or her discretion, to contract
 32 for any or all of the services necessary to carry out the functions enumerated in this
 33 Code section.

34 (d) Prior to selling any license, except for a license sold over the telephone by an
 35 approved telephone license agent or over the Internet by an approved Internet license
 36 agent, each license agent shall require each person desiring to purchase a license to
 37 display a driver's license or equally reliable identification of the individual and the

1 current residence and age of such individual. In the event the department determines
 2 that a license agent has intentionally or negligently sold a resident license to a person
 3 who is a nonresident or who is underage, the department may immediately withdraw the
 4 authority of such license agent to issue and sell licenses on behalf of the department,
 5 provided that the department shall not withdraw the license agent's authority until the
 6 license agent has been given ten days' written notice of intention to withdraw authority
 7 setting forth the reason or reasons for the withdrawal and giving the license agent a
 8 hearing in the county of said agent's residence on the reasons for withdrawal."

9 SECTION 7.

10 Said title is further amended by striking in its entirety Code Section 27-2-3.1, relating to
 11 archery and primitive weapons hunting licenses, all weapons hunting licenses, sportsman
 12 licenses, and related matters, and inserting in lieu thereof the following:

13 "27-2-3.1.

14 (a) Persons hunting during any archery season or primitive weapons season must
 15 purchase ~~either a primitive weapons license or an archery license~~, unless otherwise
 16 provided by this title.

17 (b) The requirements in this title for procuring licenses for archery, primitive weapons,
 18 big game, and small game hunting shall be satisfied by a resident who purchases an all
 19 weapons hunting license. Such license does not satisfy the obligation to obtain a
 20 wildlife management area license, an official Georgia waterfowl license, or a migratory
 21 bird license.

22 (c) The requirements in this title for procuring any license or permit for noncommercial
 23 hunting and fishing privileges shall be satisfied by a resident who procures a sportsman
 24 license. An applicant for such license shall, prior to the issuance of the license,
 25 complete a screening questionnaire associated with the federal Migratory Bird Harvest
 26 Information Program.

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

32 (e) The requirements in this title for procuring any license, stamp, or permit for
 33 noncommercial hunting and fishing privileges shall be satisfied by a resident who
 34 procures a lifetime sportsman's license. An applicant for such license shall, prior to the
 35 issuance of the license, provide satisfactory evidence of residency. For purposes of
 36 procuring a lifetime sportsman's license, the term 'residency' means a domicile within

1 Georgia for a minimum of 12 consecutive months immediately prior to procuring such
2 license. Satisfactory evidence of residency shall consist of a current Georgia driver's
3 license or official Georgia identification card issued by the Department of Public Safety
4 and at least one of the following:

- 5 (1) A voter registration card;
- 6 (2) A copy of the prior year's Georgia income tax return;
- 7 (3) A current Georgia automobile registration; or
- 8 (4) A warranty deed to property at the same address as is displayed on the Georgia
9 driver's license.

10 Minors under 18 years of age shall be presumed to be residents upon proof of parent's
11 residency as provided for in this Code section. For purposes of procuring the Type I
12 (Infant) lifetime license, a certified copy of the birth certificate of the licensee shall be
13 required.

14 (f) Lifetime sportsman's licenses and fees shall be as follows:

- 15 (1) Type I (Infant), available only to those individuals under two years of age:
16 \$200.00;
- 17 (2) Type Y (Youth), available only to those individuals from two through 15 years of
18 age: \$350.00;
- 19 (3) Type A (Adult), available to those individuals 16 years of age or older: \$500.00;
20 and
- 21 (4) Type S (Senior), available to those individuals 65 years of age or older: ~~No~~ no
22 charge.

23 (g) Lifetime sportsman's licenses shall be valid for the lifetime of the purchaser.

24 Change of residency to another state shall not affect the validity of the lifetime license
25 when hunting or fishing in Georgia.

26 (h) Any person who knowingly attempts to purchase or obtain a lifetime sportsman's
27 license by fraudulent means shall be guilty of a misdemeanor. Upon conviction, in
28 addition to other penalties as provided for by law, his or her lifetime license shall be
29 revoked by operation of law without refund of any fees paid.

30 (i) Upon payment of a replacement fee up to \$10.00, any lifetime sportsman's license
31 other than a Type S license may be replaced if lost, stolen, or destroyed, provided that
32 the applicant's name and lifetime license number are in the records of the department.
33 No replacement fee shall be charged for replacement of a Type S license. Replacement
34 fees for all other licenses shall be \$3.00 per transaction, regardless of the number of
35 licenses being replaced in a given transaction.

36 (j) Once a lifetime license is issued, no refunds of fees will be made except in the case
37 of the death before age 16 years of a Type I (Infant) lifetime license holder or a Type Y

1 (Youth) license holder, in which case a full refund of fees collected may be made upon
 2 submission of the lifetime license and any other documentation required by the
 3 department."

4 SECTION 8.

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

7 "27-2-5.

8 (a) It shall be unlawful for any person born on or after January 1, 1961, to procure a
 9 hunting license or to hunt by means of weapons in this state unless that person has been
 10 issued a certificate or other evidence the department deems acceptable which indicates
 11 satisfactory completion of a hunter education course as prescribed by the board. Persons
 12 ages 16 through 25 shall provide such certificate or other evidence to the issuing agent
 13 at the time of purchase of a hunting license. All persons required by this subsection to
 14 complete a hunter education course, by signing such license, ~~or by receiving a~~
 15 ~~temporary license identification number, or by receiving a license from a telephone~~
 16 ~~license agent, Internet license agent, or other vendor,~~ shall certify their compliance with
 17 this subsection.

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

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

32 (d) Any person who is age 12 through 15 shall satisfactorily complete a hunter
 33 education course as a prerequisite to hunting with a weapon in this state. It shall be
 34 unlawful for any adult to permit his or her child or ward age 12 through 15 to hunt with
 35 a weapon unless the child has a certificate attesting to his or her satisfactory completion
 36 of such course on his or her person; provided, however, that a hunter education course

1 is not required for a child age 12 through 15 years who is hunting under arms-length
 2 supervision of a licensed adult hunter age 18 years or older.

3 (e) Any person applying for a season nonresident hunting license may provide a
 4 certificate of completion or such other evidence of completion the department deems
 5 acceptable of the official hunter education or hunter safety course of such person's state
 6 of residence if that course shall have been approved by the department. Those persons
 7 applying for a nonresident hunting license other than a season nonresident hunting
 8 license shall not be required to exhibit such a certificate or to complete a hunter
 9 education course in order to obtain the license.

10 (f) By rule or regulation, the board shall prescribe a course of instruction in
 11 competency and safety in hunting and in the handling of weapons. The board shall also
 12 prescribe procedures whereby competent residents of this state shall be certified as
 13 hunter education instructors. The board may provide, by rule or regulation, for charging
 14 reasonable fees for the issuance by the department of duplicate certificates of
 15 completion of a hunter education course and for hunter education courses in order to
 16 defray the expenses of conducting such courses. Any such fees shall be deemed as
 17 'other income' of the department for purposes of subsection ~~(a)~~ (c) of Code Section
 18 27-1-13.

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

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

26 SECTION 9.

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

30 "27-2-6.

31 (a) It shall be unlawful for any ~~resident of this state~~ person who has attained the age of
 32 16 years ~~and for any nonresident, regardless of age,~~ to fish for or possess mountain
 33 trout or to fish in any waters designated as trout waters or trout streams pursuant to
 34 Code Section 27-4-51 unless such person has in his or her possession a trout license in
 35 addition to his or her fishing license.

1 (b) It shall be unlawful for any ~~resident of Georgia~~ person who has attained the age of
 2 16 years ~~and for any nonresident, regardless of age,~~ to hunt or possess big game unless
 3 such person has in his or her possession a big game license in addition to the required
 4 hunting license.

5 (c) It shall be unlawful for any ~~resident of Georgia~~ person who has attained the age of
 6 16 years ~~and for any nonresident, regardless of age,~~ to hunt ducks, geese, or swans
 7 unless such person has in his or her possession an official Georgia waterfowl license in
 8 addition to the required hunting license.

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

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

15 SECTION 10.

16 Said title is further amended by striking in its entirety subsection (a) of Code Section
 17 27-2-20, relating to federal migratory bird hunting and conservation stamps and
 18 participation in federal Migratory Bird Harvest Information Program, and inserting in lieu
 19 thereof the following:

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

23 SECTION 11.

24 Said title is further amended by striking in its entirety Code Section 27-3-4, relating to
 25 legal weapons for hunting wildlife generally, and inserting in lieu thereof the following:

26 "27-3-4.

27 It shall be unlawful to hunt wildlife with any weapon, except that:

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

30 (2) During primitive weapon hunts or primitive weapons seasons, longbows, recurve
 31 bows, compound bows, muzzleloading rifles firearms of .44 caliber or larger with iron
 32 sights only and without telescopic sights and muzzleloading shotguns of 20 gauge or
 33 larger loaded with single shot may be used;

34 (3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns or
 35 larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on

1 state wildlife management areas unless otherwise specified), muzzleloading ~~rifles~~
2 firearms of .44 caliber or larger, and rifles using any center-fire cartridge .22 caliber or
3 larger; provided, however, that firearms for hunting feral hogs, other than those
4 weapons specified in this paragraph, may be authorized by rule or regulation of the
5 board. Handguns capable of delivering at least 500 foot-pounds of energy at a distance
6 of 100 yards may be used for hunting deer, bear, or feral hogs. Bullets used in all rifles
7 and handguns must be of the expanding type;

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

13 (5) (A) For hunting deer, shotguns shall be limited to a capacity of not more than
14 five shells in the magazine and chamber combined. If a plug is necessary to so limit
15 the capacity, the plug shall be of one piece, incapable of being removed through the
16 loading end of the magazine.

17 (B) For hunting all other game, shotguns shall be limited to a capacity of not more
18 than three shells in the magazine and chamber combined. If a plug is necessary to so
19 limit the capacity, the plug shall be of one piece, incapable of being removed
20 through the loading end of the magazine;

21 (6) The use of crossbows for hunting within this state is prohibited except under such
22 circumstances and conditions as the board shall prescribe by rule or regulation for
23 persons suffering from permanent disabilities. Such rules or regulations may require
24 that any person hunting with a crossbow obtain and retain in his or her possession a
25 permit to hunt big game with a crossbow. Individuals who have received a special
26 crossbow hunting permit from the department prior to July 1, 1994, may continue to
27 hunt big game with a crossbow;

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

33 (8) There are no firearms restrictions for taking nongame animals or nongame birds;
34 and

35 (9) The use of silencers for hunting within this state is prohibited."

36 **SECTION 12.**

1 Said title is further amended by inserting at the end of Code Section 27-3-16, relating to
2 hunting with dogs generally and training hunting dogs, the following:

3 "(f) It shall be unlawful to run bears with dogs, except during the lawful open season
4 for hunting bear with dogs."

5 **SECTION 13.**

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

8 "27-3-25.

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

14 **SECTION 14.**

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

17 "27-3-28.

18 (a) It shall be unlawful for any person willfully to feed or bait any wild bear not in
19 captivity. For purposes of this Code section, willfully placing, exposing, or tossing any
20 food item edible by bears to or in the vicinity of a live bear or willfully leaving any such
21 item in or near the area where a bear is known to frequent shall constitute the willful
22 feeding or baiting of a wild bear.

23 (b) Violation of this Code section shall constitute a misdemeanor, and upon conviction,
24 a violator shall be punished by a fine not to exceed \$200.00 or confinement for not
25 longer than 30 days, or both."

26 **SECTION 15.**

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