

Senate Bill 83

By: Senator Gillis of the 20th**AS PASSED**

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 repeal certain
5 provisions relative to lifetime sportsman's licenses; to provide for the sale of hunting,
6 fishing, and trapping licenses by telephone and over the Internet; to exempt certain minors
7 hunting under the supervision of an adult from hunter education course requirements; to
8 change certain provisions relative to who is required to have a license to hunt or fish in
9 certain circumstances; to provide that nonresidents shall be required to possess a hunting
10 license to hunt big game; to permit hunting with recurve bows under certain conditions; to
11 provide for certain protection from civil liability; to require certain clothing for bear hunters
12 during firearms and primitive weapons season; to provide for relevant matters; to provide an
13 effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

24 "(60) 'Resident' means any citizens of the United States who has been domiciled within
25 the State of Georgia for a period of at least three months. For purposes of issuing or
26 procuring the noncommercial hunting and fishing licenses required by this title, residents
27 shall include full-time military personnel on active duty who list Georgia as their home

1 of record in their official military files or who are stationed at a military base located in
 2 Georgia and the dependents of such military personnel."

3 SECTION 2.

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

7 "27-1-10.

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

18 SECTION 3.

19 Said title is further amended by striking in its entirety subsection (c) of Code Section
 20 27-1-13, relating to the disposition of certain funds, and inserting in lieu thereof the
 21 following:

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

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

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

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

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

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

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

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

13 SECTION 7.

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

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

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

26 SECTION 8.

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

29 "27-2-5.

30 (a) It shall be unlawful for any person born on or after January 1, 1961, to procure a
 31 hunting license or to hunt by means of weapons in this state unless that person has been
 32 issued a certificate or other evidence the department deems acceptable which indicates
 33 satisfactory completion of a hunter education course as prescribed by the board. Persons
 34 ages 16 through 25 shall provide such certificate or other evidence to the issuing agent at
 35 the time of purchase of a hunting license. All persons required by this subsection to

1 complete a hunter education course, by signing such license, ~~or by receiving a temporary~~
2 license identification number, or by receiving a license from a telephone license agent,
3 Internet license agent, or other vendor, shall certify their compliance with this subsection.

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

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

17 (d) Any person who is age 12 through 15 shall satisfactorily complete a hunter education
18 course as a prerequisite to hunting with a weapon in this state. It shall be unlawful for any
19 adult to permit his or her child or ward age 12 through 15 to hunt with a weapon unless the
20 child has a certificate attesting to his or her satisfactory completion of such course on his
21 or her person; provided, however, that a hunter education course is not required for a child
22 age 12 through 15 years who is hunting under adult supervision by a licensed adult hunter.

23 (e) Any person applying for a season nonresident hunting license may provide a certificate
24 of completion or such other evidence of completion the department deems acceptable of
25 the official hunter education or hunter safety course of such person's state of residence if
26 that course shall have been approved by the department. Those persons applying for a
27 ~~nonresident~~ hunting license other than a season ~~nonresident~~ hunting license shall not be
28 required to exhibit such a certificate or to complete a hunter education course in order to
29 obtain the license.

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

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

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

8 SECTION 9.

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

12 "27-2-6.

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

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

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

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

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

34 SECTION 10.

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

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

7 SECTION 11.

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

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

17 SECTION 12.

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

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

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

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

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

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

11 SECTION 13.

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

14 "27-3-25.

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

20 SECTION 14.

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