

House Bill 815 (FLOOR SUBSTITUTE) (AM)

By: Representative Lane of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so  
2 as to regulate the taking of certain wildlife; to change certain provisions relating to  
3 definitions; to change certain provisions relating to rules and regulations used to establish  
4 criminal violations; to change certain provisions relating to effective dates of hunting,  
5 fishing, and trapping licenses generally; to change certain provisions relating to licenses for  
6 archery and primitive weapons hunting, all weapons hunting licenses, license card carrier  
7 requirement, and lifetime sportsman's licenses; to change certain provisions relating to trout,  
8 big game, and official Georgia waterfowl licenses; to change certain provisions relating to  
9 license, permit, tag, and stamp fees; to change certain provisions relating to hunting at night;  
10 to change certain provisions relating to legal weapons for hunting wildlife generally; to  
11 change certain provisions relating to hunting of wildlife or feral hogs from boats, aircraft, or  
12 motor vehicles; to change certain provisions relating to hunting of alligators and possession  
13 of alligator products; to change certain provisions relating to hunting deer with dogs; to  
14 change certain provisions relating to hunting of alligators and possession of alligator  
15 products; to repeal certain provisions relating to taking, capturing, and killing diamondback  
16 terrapins; to provide effective dates; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
20 striking paragraph (3) of Code Section 27-1-2, relating to definitions, and inserting in lieu  
21 thereof the following:

22 "(3) 'Alligator product' means any product or article made, either wholly or in part, from  
23 any part of the hide of an alligator or alligator meat or any other part of an alligator  
24 carcass ~~or alligator eggs.~~"

**SECTION 2.**

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

"27-1-39.

Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this title, the terms 'rules' and 'regulations' shall mean those rules and regulations of the Board of Natural Resources in force and effect on ~~July 1, 2002~~ October 1, 2003."

**SECTION 3.**

Said title is further amended by striking Code Section 27-2-3, relating to effective dates of hunting, fishing, and trapping licenses generally, and inserting in lieu thereof the following:

"27-2-3.

Except as otherwise specifically provided, all ~~season~~ hunting, fishing, and trapping licenses, including without limitation commercial fishing and commercial fishing boat licenses issued pursuant to Code Section 27-2-8, shall be effective from April 1 to March 31 of the following year; except that all annual hunting, fishing, and hunting and fishing combination licenses pursuant to paragraphs (1) through (4) of Code Section 27-2-23 shall be effective for 12 months from the date of issuance. No person shall be required to provide their social security number to the Department of Natural Resources, and the refusal to provide the social security number may not be used as a reason to deny the issuance of any license by the Department of Natural Resources."

**SECTION 4.**

Said title is further amended by striking subsection (b) of Code Section 27-2-3.1, relating to licenses for archery and primitive weapons hunting, all weapons hunting licenses, license card carrier requirement, and lifetime sportsmen's licenses, and inserting in lieu thereof the following:

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





1	<del>(I)</del> <u>(J)</u> Waterfowl license valid for residents		
2	and nonresidents	Season <u>Annual</u>	5.50
3	<del>(M)</del> <u>(K)</u> Georgia migratory bird license	Season <u>Annual</u>	Free
4	<del>(N)</del> Resident all weapons hunting license	Season	26.00
5	<del>(O)</del> <u>(L)</u> Resident primitive weapons license	Season <u>Annual</u>	8.00
6	<del>(P)</del> <u>(M)</u> Nonresident primitive weapons license	Season <u>Annual</u>	25.00
7	(2) Resident hunting/fishing license	Season <u>Annual</u>	17.00
8	(3) Resident sportsman's license	Season <u>Annual</u>	60.00
9	(4) Recreational fishing licenses:		
10	(A) Resident fishing license	Season <u>Annual</u>	9.00
11	(B) Nonresident fishing license	Season <u>Annual</u>	24.00
12	(C) Nonresident fishing license	Seven-day	7.00
13	(D) Fishing license, valid for residents		
14	and nonresidents	One-day	3.50
15	(E) Resident trout license	Season <u>Annual</u>	5.00
16	(F) Nonresident trout license	Season <u>Annual</u>	13.00
17	(5) Trapping licenses:		
18	(A) Resident commercial trapping license	Annual	30.00
19	(B) Nonresident commercial trapping license	Annual	295.00
20	(6) Commercial fishing licenses:		
21	(A) Resident commercial fishing license	Season	12.00
22	(B) Nonresident commercial fishing license	Season	118.00
23	(C) Resident commercial crabbing license	Season	12.00
24	(D) Nonresident commercial crabbing license	Season	118.00
25	(7) Fur, hide, and pelt licenses:		
26	(A) Resident fur dealer license	Annual	295.00
27	(B) Nonresident fur dealer license	Annual	415.00
28	(C) Fur dealer's agent license	Annual	180.00
29	(8) Miscellaneous licenses and permits:		
30	(A) Retail fish dealer license	Annual	10.00
31	(B) Wholesale fish dealer license	Annual	59.00
32	(C) Resident game-holding permit	Annual	5.00
33	(D) Commercial quail breeder permit	Annual	30.00
34	(E) Scientific collecting permit	Annual	50.00
35	(F) Wildlife exhibition permit	Annual	59.00

1	(G) Commercial shooting preserve license	Annual	150.00
2	(H) Private shooting preserve license	Annual	75.00
3	(I) Blanket commercial shooting preserve		
4	license	Annual	500.00
5	(J) Commercial fish hatchery license	Annual	59.00
6	(K) Catch-out pond license	Annual	236.00
7	(L) Soft-shell crab dealer license	Annual	10.00
8	(M) Resident taxidermist license	Three-year	150.00
9	(N) Nonresident taxidermist license	Three-year	500.00
10	(O) Falconry permit	Three-year	30.00
11	(P) Commercial alligator farming license	Annual	50.00
12	(Q) Alligator hunting license	<del>Season</del> <u>Annual</u>	50.00
13	(R) Wild animal license	Annual	236.00
14	(S) Wild animal auction license	Seven-day	5,000.00
15	(T) Resident bait dealer license	Season	25.00
16	(U) Nonresident bait dealer license	Season	150.00

17 (9) The board is authorized to provide by rule for a fee not to exceed \$19.00 for resident  
 18 daily, seasonal, or annual use permits, licenses, or stamps to hunt and fish on or otherwise  
 19 use specially designated streams, lakes, or wildlife management areas or a fee not to  
 20 exceed \$73.00 for nonresident permits, licenses, or stamps issued under this paragraph."

21 **SECTION 7B.**

22 Said title is further amended by striking Code Section 27-2-23, relating to license, permit,  
 23 tag, and stamp fees, and inserting in lieu thereof the following:

24 "27-2-23.

25 Fees for licenses, permits, tags, and stamps required by this title shall be as follows:

26 (1) Hunting licenses:

27	(A) Resident hunting license	<del>Season</del> <u>Annual</u>	\$ 8.50
28	(B) Nonresident hunting license	<del>Season</del> <u>Annual</u>	50.00
29	(C) Nonresident hunting license	Seven-day	21.00
30	(D) Hunting license, valid for residents		
31	and nonresidents	One-day	5.50
32	<del>(E) Resident archery license</del>	<del>Season</del>	<del>6.50</del>
33	<del>(F) Nonresident archery license</del>	<del>Season</del>	<del>21.00</del>
34	<del>(G)</del> <u>(E)</u> Resident big game license	<del>Season</del> <u>Annual</u>	7.50

1	<del>(H)</del> <u>(F)</u> Nonresident big game license	Season <u>Annual</u>	100.00
2	<del>(H)</del> <u>(G)</u> Nonresident shooting preserve		
3	hunting license	Season	10.00
4	<del>(J)</del> <u>(H)</u> Commercial fox hunting preserve		
5	license	Season	50.00
6	<del>(K)</del> <u>(I)</u> Commercial fox breeder license	Season	50.00
7	<del>(L)</del> <u>(J)</u> Waterfowl license valid for residents		
8	and nonresidents	Season <u>Annual</u>	5.50
9	<del>(M)</del> <u>(K)</u> Georgia migratory bird license	Season <u>Annual</u>	Free
10	<del>(N)</del> Resident all weapons hunting license	Season	<del>26.00</del>
11	<del>(O)</del> <u>(L)</u> Resident primitive weapons license	Season <u>Annual</u>	8.00
12	<del>(P)</del> <u>(M)</u> Nonresident primitive weapons license	Season <u>Annual</u>	25.00
13	(2) Resident hunting/fishing license	Season <u>Annual</u>	15.50
14	(3) Resident sportsman's license	Season <u>Annual</u>	60.00
15	(4) Recreational fishing licenses:		
16	(A) Resident fishing license	Season <u>Annual</u>	7.50
17	(B) Nonresident fishing license	Season <u>Annual</u>	20.00
18	(C) Nonresident fishing license	Seven-day	7.00
19	(D) Fishing license, valid for residents		
20	and nonresidents	One-day	3.50
21	(E) Resident trout license	Season <u>Annual</u>	3.50
22	(F) Nonresident trout license	Season <u>Annual</u>	10.50
23	(5) Trapping licenses:		
24	(A) Resident commercial trapping license	Annual	25.00
25	(B) Nonresident commercial trapping license	Annual	250.00
26	(6) Commercial fishing licenses:		
27	(A) Resident commercial fishing license	Season	10.00
28	(B) Nonresident commercial fishing license	Season	100.25
29	(C) Resident commercial crabbing license	Season	12.00
30	(D) Nonresident commercial crabbing license	Season	118.00
31	(7) Fur, hide, and pelt licenses:		
32	(A) Resident fur dealer license	Annual	250.00
33	(B) Nonresident fur dealer license	Annual	350.00
34	(C) Fur dealer's agent license	Annual	150.00
35	(8) Miscellaneous licenses and permits:		

1	(A) Retail fish dealer license	Annual	5.00
2	(B) Wholesale fish dealer license	Annual	50.00
3	(C) Resident game-holding permit	Annual	2.50
4	(D) Commercial quail breeder permit	Annual	25.00
5	(E) Scientific collecting permit	Annual	5.00
6	(F) Wildlife exhibition permit	Annual	50.00
7	(G) Commercial shooting preserve license	Annual	25.00
8	(H) Private shooting preserve license	Annual	10.00
9	(I) Blanket commercial shooting preserve		
10	license	Annual	500.00
11	(J) Commercial fish hatchery license	Annual	50.00
12	(K) Catch-out pond license	Annual	200.00
13	(L) Soft-shell crab dealer license	Annual	10.00
14	(M) Resident taxidermist license	Three-year	150.00
15	(N) Nonresident taxidermist license	Three-year	500.00
16	(O) Falconry permit	Three-year	30.00
17	(P) Commercial alligator farming license	Annual	25.00
18	(Q) Alligator hunting license	<del>Season</del> <u>Annual</u>	50.00
19	(R) Wild animal license	Annual	200.00
20	(S) Wild animal auction license	Seven-day	5,000.00
21	(T) Resident bait dealer license	Season	25.00
22	(U) Nonresident bait dealer license	Season	150.00

23 (9) The board is authorized to provide by rule for a fee not to exceed \$15.60 for resident  
 24 daily, seasonal, or annual use permits, licenses, or stamps to hunt and fish on or otherwise  
 25 use specially designated streams, lakes, or wildlife management areas or a fee not to  
 26 exceed \$61.25 for nonresident permits, licenses, or stamps issued under this paragraph."

#### 27 SECTION 8.

28 Said title is further amended by striking Code Section 27-3-2, relating to hunting at night,  
 29 and inserting in lieu thereof the following:

30 "27-3-2.

31 It shall be unlawful to hunt at night any game bird or game animal in this state except for  
 32 alligators, raccoons, opossums, foxes, and bobcats; and these may. Alligators may be  
 33 hunted with a light which does not exceed 12 volts. Raccoons, opossums, foxes, and  
 34 bobcats shall not be hunted with lights, except that a light which does not exceed six volts



1 or a fuel-type lantern may be carried by hand by a hunter or worn on the hunter's belt and  
2 used for locating such animals."

3 **SECTION 9.**

4 Said title is further amended by striking paragraphs (1), (4), (5), (7), and (8) of Code Section  
5 27-3-4, relating to legal weapons for hunting wildlife generally, and inserting in lieu thereof  
6 the following:

7 "(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking  
8 small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must  
9 be broadhead type;"

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

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

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

24 "(7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch  
25 hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained  
26 alligators may be killed with any caliber handgun or bangstick and shall be killed  
27 immediately before transporting;

28 (8) There are no firearms restrictions for taking nongame animals or nongame birds; and  
29 ~~(8)~~(9) The use of silencers for hunting within this state is prohibited."

30 **SECTION 10.**

31 Said title is further amended by striking subsection (a) of Code Section 27-3-13, relating to  
32 hunting of wildlife or feral hogs from boats, aircraft, or motor vehicles, and inserting in lieu  
33 thereof the following:

1 "(a) It shall be unlawful to hunt any wildlife or feral hog from an electric, gas, or diesel  
 2 boat, a steamboat, a sailboat, an airplane, a hydroplane, a hovercraft, or a motor vehicle;  
 3 except that alligators may be hunted from any boat or watercraft under power."

#### 4 SECTION 11.

5 Said title is further amended in Code Section 27-3-17, relating to hunting deer with dogs, by  
 6 adding new subsections to read as follows:

7 "(c) It shall be unlawful for any person to hunt deer with dogs on any tract of real property  
 8 unless a permit for hunting deer with dogs has been issued by the department for such tract  
 9 to the owner or owners of such tract or the lessee of deer hunting rights for such tract. A  
 10 permit for hunting deer with dogs shall not be issued for any tract of real property that is  
 11 less than 1,000 contiguous acres. Any application for a permit for hunting deer with dogs  
 12 shall be on such form as prescribed by the department; shall be accompanied by the  
 13 required application fee; and shall include a written description of the tract boundaries and  
 14 a map showing key features such as public roads or streams on or bordering the tract and  
 15 occupied dwellings on adjacent properties. The application must be signed by all persons  
 16 owning any portion of the tract of real property or an authorized agent thereof. The  
 17 application fee for such permit shall be \$100.00 for an annual permit or \$25.00 for a  
 18 two-day permit.

19 (d) The owner of any dog that is used for hunting deer must cause such dog to be identified  
 20 at all times during the hunt with the permit number for the tract being hunted.

21 (e) Any person operating a motor vehicle used in conducting a deer hunt with dogs shall  
 22 during such hunt clearly display in the lower corner of the driver's side of the front or rear  
 23 windshield of such motor vehicle a decal or card showing the tract permit number in  
 24 numerals not less than two inches high.

25 (f) The department shall thoroughly investigate for validity any complaints from adjacent  
 26 property owners regarding hunting deer with dogs in violation of this title or rules and  
 27 regulations issued pursuant to this title. The commissioner may take action against a  
 28 permit as provided by Code Section 27-2-25 for violations of the provisions of this title or  
 29 rules and regulations issued pursuant to this title occurring on the tract of real property for  
 30 which the permit was issued."

#### 31 SECTION 12.

32 Said title is further amended in Code Section 27-3-19, relating to hunting of alligators and  
 33 possession of alligator products, by striking subsections (c) through (e) and inserting in lieu  
 34 thereof the following:

1 "(c)(1) It shall be unlawful for any person to possess, buy, or sell in this state the  
 2 untanned hide or skin or alligator products from an alligator not lawfully taken under the  
 3 authority of Code Section 27-3-15. All such hides, skins, and alligators not lawfully taken  
 4 are declared to be contraband and shall be seized and disposed of as directed by the  
 5 commissioner. Possession in a store, warehouse, or retail place of business of such  
 6 untanned hides or skins or alligator products not lawfully taken shall be prima-facie  
 7 evidence of violation of this subsection. This subsection shall not apply to alligator  
 8 products made from hides or skins of alligators produced on farms licensed under this  
 9 title or from hides or skins of alligators lawfully possessed, taken, or acquired outside or  
 10 inside this state, nor shall any provision of this subsection be construed so as to prohibit  
 11 the preparation, processing, or manufacturing of such commercially grown or lawfully  
 12 possessed, taken, or acquired alligator hides or the storage or sale of products made  
 13 therefrom, subject to rules and regulations promulgated by the board.

14 (2) It shall be unlawful for any person to gather alligator eggs from the wild or possess  
 15 alligator eggs gathered from the wild in this state except pursuant to permit issued by the  
 16 department for such purpose. The board shall establish the conditions of such permits by  
 17 such rules or regulations as are reasonable and necessary under sound game management  
 18 practices, which shall include without limitation specification of when and where such  
 19 eggs may be gathered, limits on the number of eggs that may be gathered, the placement  
 20 of gathered eggs in incubators, return of a minimum percentage and size of hatchlings  
 21 from gathered eggs to the wild, and permit fees in such amounts as are necessary to cover  
 22 the cost of administration. This paragraph shall not apply to the collection of alligator  
 23 eggs from an alligator farm licensed under this title.

24 (d)(1) It shall be unlawful to possess or transport into this state any untanned alligator  
 25 hide, skin, or alligator product from any place in which the taking of alligators is  
 26 prohibited.

27 (2) It shall be unlawful to possess or transport into this state any alligator eggs gathered  
 28 from the wild from any place where such gathering of alligator eggs from the wild is  
 29 prohibited.

30 (3) All such hides, skins, and alligator products, and alligator eggs are declared to be  
 31 contraband and shall be seized and disposed of in accordance with Code Section 27-1-21.

32 (4) Notwithstanding any other provision to the contrary, it shall be lawful to possess and  
 33 transport into this state any untanned alligator hide, skin, or alligator product, or alligator  
 34 egg which was lawfully taken and transported and which is accompanied by a bill of sale,  
 35 bill of lading, or invoice, or permit.

36 (e) Any person who possesses any untanned alligator hide, skin, or alligator product, or  
 37 alligator egg from any place in which the taking of alligators is lawful, the gathering of

1 alligator eggs from the wild is lawful, or from an alligator farm licensed under this title  
2 shall retain such receipts, invoices, bills of lading, permits, or other indicia of lawful  
3 possession, taking, or acquisition as are necessary to indicate clearly at all times the place  
4 of origin of the specific untanned alligator hides, skins, ~~or~~ alligator products, or alligator  
5 eggs possessed."

6 **SECTION 13.**

7 Said title is further amended by striking and reserving Code Section 27-4-116, relating to  
8 taking, capturing, and killing diamondback terrapins.

9 **SECTION 14.**

10 (a) This Act shall become effective on July 1, 2003, except as otherwise provided in  
11 subsection (b) of this section.

12 (b)(1) Section 2 of this Act shall become effective on October 1, 2003.

13 (2) Sections 3, 4, and 7A of this Act shall become effective on February 29, 2004.

14 (3) Section 7B of this Act shall become effective on March 31, 2012.

15 **SECTION 15.**

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