

House Bill 1185 (FLOOR SUBSTITUTE)

By: Representative Shaw of the 143rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to game and fish, so as to change certain provisions relating to
3 inspection of vessels and boats; to amend Code Section 52-7-25 of the Official Code of
4 Georgia Annotated, relating to enforcement of general provisions relative to registration,
5 operation, and sale of watercraft, so as to change certain provisions relating to powers of
6 enforcement officers; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general
10 provisions relative to game and fish, is amended by striking Code Section 27-1-24, relating
11 to inspection of vessels and boats, and inserting in lieu thereof the following:

12 "27-1-24.

13 (a) The provisions of this title or any rule or regulation adopted pursuant to this title
14 pertaining to the operation of vessels or boats upon the waters of this state shall be
15 enforceable by, in addition to conservation rangers, agents of the Georgia Bureau of
16 Investigation and other persons having responsibility to preserve the peace and enforce
17 the laws of this state. Such persons shall have the authority to order any vessel or boat
18 within the boundaries of this state to stop and lay to and shall have the authority to board,
19 inspect, and examine the vessel or boat, its equipment, the wildlife on board, if any, and
20 such documents, licenses, or other records which the vessel or boat is required to possess
21 under this title and Code Sections 52-7-1 through 52-7-25 for the purpose of determining
22 compliance with the provisions of such laws.

23 (b) Notwithstanding the provisions of subsection (a) of this Code section, with regard to
24 any recreational vessel less than 30 feet in length that is in fresh water, the ranger, agent,
25 or other authorized person shall have such authority to stop the vessel and board, inspect,
26 and examine only if the owner or operator has given express consent thereto or if the

1 ranger, agent, or other authorized person has probable cause to believe a violation of a
 2 law, rule, or regulation which he or she is authorized to enforce has been committed by
 3 the owner or operator of or passenger in such vessel; provided, however, that the probable
 4 cause requirement of this subsection shall not apply when the occupants of such vessel
 5 are actively engaged in fishing or hunting or engaged in any commercial activity."

6 SECTION 2.

7 Code Section 52-7-25 of the Official Code of Georgia Annotated, relating to enforcement of
 8 general provisions relative to registration, operation, and sale of watercraft, is amended by
 9 striking subsection (b) and inserting in lieu thereof the following:

10 "(b) An officer empowered to enforce this article shall have the power:

11 (1) To arrest on view for any violation relating to boating and all rules and regulations
 12 prescribed by the board under this article;

13 (2) To execute all warrants and search warrants for violations of the boat laws and
 14 regulations;

15 (3) To serve subpoenas issued for the examination, investigation, and trial of all offenses
 16 against the laws and regulations relating to boats;

17 (4)(A) To board vessels in use, for purposes of examining any documents and safety
 18 equipment, and to search without warrant any vessel which is not at its regular mooring
 19 or berth when he believes that any law of this state or any rule or regulation of the
 20 Board of Natural Resources relating to boating has been violated; and

21 (B) Notwithstanding the provisions of subparagraph (A) of this paragraph, with regard
 22 to any recreational vessel less than 30 feet in length that is in fresh water, the ranger,
 23 agent, or other authorized person shall have such authority to stop the vessel and board,
 24 examine, and search only if the owner or operator has given express consent thereto or
 25 if the ranger, agent, or other authorized person has probable cause to believe a violation
 26 of a law, rule, or regulation which he or she is authorized to enforce has been
 27 committed by the owner or operator of or passenger in such vessel; provided, however,
 28 that the probable cause requirement of this subparagraph shall not apply when the
 29 occupants of such vessel are actively engaged in fishing or hunting or engaged in any
 30 commercial activity;

31 (4.1) To board vessels in use or floating, whether moored or not, for purposes of
 32 examining any marine toilets, holding tanks, and documents related to them, including
 33 records of pump-out and certificates of compliance, and to search without warrant any
 34 such vessel to determine compliance with the provisions of this article related to marine
 35 toilets when the officer believes that any of said provisions of this article relating to
 36 marine toilets have been violated;

- 1 (5) To detain the vessel and arrest the operator of a suspected stolen vessel;
- 2 (6) To enter upon any land or water in the performance of his or her duty;
- 3 (7) To demand and secure proper assistance in case of emergency;
- 4 (8) To exercise the powers and duties of peace officers; and
- 5 (9) To investigate any boating accident which occurs on the waters of this state."

6 **SECTION 3.**

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