

House Bill 328

By: Representatives Smith of the 168<sup>th</sup>, Hill of the 180<sup>th</sup>, Lane of the 167<sup>th</sup>, Williams of the 165<sup>th</sup>, Jackson of the 161<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia  
2 Annotated, relating to crabs, so as to change certain provisions relating to use of crab traps,  
3 identification of boats or vessels, and authorization for closure of salt waters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated,  
8 relating to crabs, is amended by striking Code Section 27-4-151, relating to use of crab traps,  
9 identification of boats or vessels, and authorization for closure of salt waters, and inserting  
10 in lieu thereof the following:

11 "27-4-151.

12 (a) For purposes of crabbing, that portion of the St. Marys River and the Satilla River  
13 System (including the Satilla River and White Oak Creek) which is seaward of the points  
14 at which the Seaboard Coastline Railroad crosses such streams and that portion of the  
15 Altamaha River System which is seaward of the points at which U.S. Highway I-95 crosses  
16 the streams of that system shall be considered salt water. It shall be unlawful to place any  
17 crab trap in the waters of this state other than that described as salt water in Code Section  
18 27-4-1 or by this subsection.

19 (b) It shall be unlawful to set or place any commercial crab trap in the salt waters of this  
20 state which does not have attached a float which is made of a substance visible from a  
21 distance of 100 feet in clear weather at slack tide. For the purposes of this Code section,  
22 'slack tide' means that portion of the tidal current characterized by slowness, sluggishness,  
23 and lack of energy and which occurs approximately midway between maximum flood-tide  
24 and maximum ebb-tide currents and between maximum ebb-tide and maximum flood-tide  
25 currents.

1 (c) It shall also be unlawful to set or place in the salt waters of this state any commercial  
2 crab trap which does not have attached a float with such identification as is assigned by the  
3 department to the owner of the trap. Such identification shall be at least one inch in height,  
4 of a color which contrasts with the color of the float, of block character, and spaced so as  
5 to be readable from left to right. The identification shall be assigned by the department to  
6 the owner of the trap when the owner is issued his or her commercial crabbing license. For  
7 subsequent years, the same identification shall be assigned to such commercial crab  
8 fisherman.

9 (d) When the float of a commercial crab trap has been identified as provided in this Code  
10 section, it shall be unlawful for any person, other than the licensed commercial crab  
11 fisherman or a sole individual licensed as required in subsection (b) of Code Section  
12 27-4-150 and carrying on his or her person written permission from the licensed  
13 commercial crab fisherman if the department has been previously notified in writing of  
14 such permission, to pull such trap or to take crabs from such trap or intentionally to  
15 damage, destroy, remove from the water any crab trap or float thereof, or to use such a float  
16 for any purpose. It shall also be unlawful for any person to use such a float for any purpose  
17 other than to mark a submerged crab trap. For purposes of determining the number of crab  
18 traps a person is employing, it shall be conclusively presumed that a crab trap is tethered  
19 to each such float.

20 (e) It shall also be unlawful for any person to engage in commercial crabbing with a boat  
21 or vessel unless there is displayed on each side of the forward third of the boat or vessel so  
22 as to be readable from the water such identification as is assigned by the department to  
23 such person. The identification shall be at least eight inches in height, of a color which  
24 contrasts with the color of the background, of block character, and spaced so as to be  
25 readable from left to right. The assigned identification of the boat or vessel being utilized  
26 shall correspond to the identification of the float of the trap from which crabs are being  
27 taken. No boat or vessel shall be assigned more than one identification in any license year  
28 unless such boat or vessel is transferred to another licensed commercial fisherman and such  
29 transfer is registered with the department. A crabbing boat or vessel may only employ traps  
30 marked with floats with identification issued by the department corresponding to the  
31 identification of the boat or vessel being utilized. No identification may be assigned to  
32 more than one boat or vessel in any license year, except for replacement vessels as  
33 provided in subparagraph (g)(1)(B) of this Code section; provided, however, that one  
34 identification number may be assigned to a licensed crabber's primary and alternate  
35 vessels, only one of which may be operated for crabbing at any time.

36 (f) It shall be unlawful for any person to catch crabs for commercial purposes within 100  
37 feet of the dock of any other person. It shall also be unlawful to place or set commercial

1 crab traps in the channel of any stream when such channel has been marked by a lawfully  
2 established system of waterway markers.

3 (g)(1)(A) The first time after July 1, 1998, that a person obtains or renews a  
4 commercial crabbing license, he or she shall obtain a permit from the department  
5 establishing the maximum number of traps he or she may deploy at any given time  
6 during that license year. Such permits shall be issued in 50 trap increments up to a  
7 maximum of 200 traps. The licensee shall pay a fee of \$2.00 per trap for the permit, and  
8 the permit shall be for the same duration and shall be renewed at the same time as the  
9 commercial crabbing license.

10 (B) No crab trap permit may be sold or transferred to another person except as  
11 provided in this subparagraph. Such a permit may be transferred along with the transfer  
12 of the licensed commercial crabber's nontrawler license to a replacement vessel if the  
13 transfer of the permit and the license is registered with the department. Such a permit  
14 may be transferred to the purchaser of a commercial crab boat along with the  
15 commercial crabber's license and the commercial crabber's nontrawler license if the  
16 transfer of the permit, the commercial crabber's license, and the commercial crabber's  
17 nontrawler license are recorded with the department and a new permit fee is paid to the  
18 department.

19 (C) No crab trap permit may be amended to permit the use of more traps except at the  
20 time of license renewal. The licensee shall have the trap permit in his or her possession  
21 at all times while crabbing.

22 (2) It shall be unlawful for any licensed commercial crab fisherman or a person  
23 designated by such licensee as provided in subsection (d) of this Code section to employ  
24 more crab traps than the number allowed by his or her crab trap permit at any time. It  
25 shall be unlawful for any person to exercise harvest permission as provided in subsection  
26 (d) of this Code section from more than one licensed commercial crab fisherman at any  
27 time.

28 (3) Any person violating the provisions of paragraph (1) or (2) of this subsection shall  
29 be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall  
30 be punished by a fine of not more than \$2,000.00 or incarceration for not longer than one  
31 year or both. In addition to such criminal penalty, any person found guilty of employing  
32 more than the permitted number of crab traps shall pay a civil fine of \$100.00 for each  
33 excess trap. In addition to such criminal and civil penalties, the license of any person  
34 found guilty of employing more than 50 excess crab traps shall be suspended for one  
35 year, during which time the person shall be ineligible to apply for a new license and upon  
36 the completion of which he or she may renew the license. Upon a second or subsequent  
37 such offense, the person's license shall be revoked for one year, and at the end of that

1 time such person must apply for a new license as if he or she had never before been in  
2 possession of a license; provided, however, that such individual shall not be eligible to  
3 receive a license through transfer pursuant to paragraph (5) of subsection (e) of Code  
4 Section 27-4-150.

5 (4) Whenever the commissioner or his or her designee has reason to believe that any  
6 person has violated the provisions of paragraph (1) or (2) of this subsection or any rule  
7 or regulation promulgated to implement such subsection, he or she may request and shall  
8 receive a hearing before an administrative law judge of the Office of State Administrative  
9 Hearings acting in place of the Board of Natural Resources, as provided by Code Section  
10 50-13-41. Upon finding that such person has violated this Code section, the  
11 administrative law judge shall impose a civil penalty in the amount of \$100.00 for each  
12 trap in excess of the permitted number. The decision of the administrative law judge shall  
13 constitute a final decision in the matter, and any party to the hearing, including the  
14 commissioner, shall have the right of judicial review thereof in accordance with Chapter  
15 13 of Title 50, the 'Georgia Administrative Procedure Act.'

16 (h) Any commercial crab trap in violation of this Code section is declared to be contraband  
17 and subject to seizure by conservation rangers, sheriffs, and other peace officers authorized  
18 to enforce this title.

19 (i) Nothing in this title shall be construed to require any individual to obtain a commercial  
20 fishing license or a commercial crabbing license when such person is deploying six or  
21 fewer crab traps in the salt waters of this state to take crabs for personal consumption;  
22 provided, however, that each crab trap measures 2 feet by 2 feet or smaller; a float clearly  
23 marked with the owner's name and address is attached to each crab trap; the quantity of  
24 crabs taken or possessed by such person does not exceed one bushel per person or two  
25 bushels per boat when the boat is occupied by more than one person; and the crabs are not  
26 sold.

27 ~~(j) The commissioner shall have the power to close all or any portion of the saltwaters of  
28 this state to commercial and recreational fishing for blue crabs or any component of the  
29 blue crab fishery, including peeler, soft, or sponge crabs, in the event of flood, drought,  
30 disease, or any other emergency situation or in the event of a disaster or other occurrence  
31 likely to cause seafood to be unfit for human consumption. Any determination to close the  
32 saltwaters pursuant to this subsection or to reopen such waters shall be made in accordance  
33 with current, sound principles of wildlife research and management as provided by Code  
34 Section 27-4-130."~~

## 35 SECTION 2.

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