

House Bill 1490

By: Representatives Burns of the 157<sup>th</sup>, Lane of the 158<sup>th</sup>, and Jenkins of the 8<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 12-3-10 of the Official Code of Georgia Annotated, relating to directing persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations and prohibited acts generally, so as to change certain provisions relating to prohibitions against having or using certain boats on state park lakes; to amend Code Section 16-9-70 of the Official Code of Georgia Annotated, relating to criminal use of an article with an altered identification mark, so as to include vessels within the applicability of said Code section; to amend Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to the registration, operation, and sale of watercraft, so as to change certain provisions relating to definitions; to change certain provisions relating to requirement as to numbering of vessels; to change certain provisions relating to numbering of vessels generally; to change certain provisions relating to exemptions from vessel numbering requirements; to provide for certain requirements and prohibitions relative to hull identification numbers; to provide for seizure of certain vessels for which hull identification numbers are lacking or have been altered; to provide for forfeiture proceedings; to provide penalties for violations; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 12-3-10 of the Official Code of Georgia Annotated, relating to directing persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and regulations and prohibited acts generally, is amended by striking subsections (e) through (h) and inserting in lieu thereof the following:

"(e) It shall be unlawful for any person to have or use a privately owned boat on any of the following state park lakes:

(1) A. H. Stephens Federal Lake and Lake Liberty; or

~~(2) Black Rock Mountain Lake;~~

1     ~~(3) Vogel Lake Trahlyta;~~

2     ~~(4) Franklin D. Roosevelt-Lake Delano;~~

3     ~~(5)~~(2) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply  
4     only from May 1 through Labor Day of each year;

5     ~~(6) Unicoi Lake; and~~

6     ~~(7) Willaway Inlet of Fort Yargo Lake (25 acres).~~

7     ~~(f) It shall be unlawful to use a boat, other than one on official business, with any type of~~  
8     ~~motor on the following state park lakes:~~

9     ~~(1) Unicoi Lake;~~

10    ~~(2) Willaway Inlet of Fort Yargo Lake (25 acres); and~~

11    ~~(3) Fort Mountain Lake~~ Reserved.

12    (g) It shall be unlawful for any person to have or use a boat, other than one on official  
13    business, with other than an paddles or a portable bow or stern mounted electric trolling  
14    motor on any of the following state park lakes:

15    (1) Black Rock Mountain Lake;

16    (2) James H. 'Sloppy' Floyd Lake;

17    (3) A. H. Stephens-Lake Buncombe;

18    (4) Franklin D. Roosevelt-Lake Franklin;

19    (5) John D. Tanner Lake (the 12 acre lake);

20    (5.1) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply  
21    only from the day after Labor Day each year through April 30 of the following year;

22    (6) Sweetwater Creek Lake; ~~and~~

23    (7) Hard Labor Creek Lake (the 37 acre lake);<sub>2</sub>

24    (8) Fort Mountain Lake;

25    (9) Vogel Lake; or

26    (10) Unicoi Lake.

27    (h) It shall be unlawful for any person to use a boat, other than one on official business,  
28    with a motor which is neither an electric trolling motor nor ten horsepower or less on the  
29    following state park lakes:

30    (1) Fort Yargo Lake;

31    (2) Hamburg Lake;

32    (3) Hard Labor Creek Lake (the 275 acre lake);

33    (4) High Falls Lake;

34    (5) Indian Springs Lake;

35    (6) Kolomoki Mounds Lake;

36    (7) Stephen C. Foster Lake;

(8) Laura S. Walker Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset);

(9) Little Ocmulgee Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, and sunset); and

(10) Magnolia Springs Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, and sunset)."

## SECTION 2.

Code Section 16-9-70 of the Official Code of Georgia Annotated, relating to criminal use of an article with an altered identification mark, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a) A person commits the offense of criminal use of an article with an altered identification mark when he or she buys, sells, receives, disposes of, conceals, or has in his or her possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, firearm, safe, vacuum cleaner, dictaphone, watch, watch movement, watch case, or any other mechanical or electrical device, appliance, contrivance, material, vessel as defined in Code Section 52-7-3, or other piece of apparatus or equipment, other than a motor vehicle as defined in Code Section 40-1-1, from which he or she knows the manufacturer's name plate, serial number, or any other distinguishing number or identification mark has been removed for the purpose of concealing or destroying the identity of such article."

## SECTION 3.

Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to the registration, operation, and sale of watercraft, is amended by striking Code Section 52-7-3, relating to definitions; Code Section 52-7-4, relating to requirement as to numbering of vessels; Code Section 52-7-5, relating to numbering of vessels generally; and Code Section 52-7-6, relating to exemptions from vessel numbering requirements, and inserting in lieu thereof the following:

"52-7-3.

As used in this article, the term:

(1) 'Blind point' means that portion of any of the waters of this state in which there is a natural or man-made obstruction which prevents the operator of a vessel from seeing vessels approaching from the opposite side of the obstruction, thus creating a safety hazard which could result in a boating accident.

(2) 'Board' means the Board of Natural Resources.

(3) 'Boat livery' means a business which holds any vessel for renting, leasing, or chartering.

(4) 'Commissioner' means the commissioner of natural resources.

(5) 'Dealer' means any person engaged in the business of manufacturing vessels or selling new or used vessels at an established place of business.

(6) 'Department' means the Department of Natural Resources.

(7) 'Discharged' means, and shall include, spilled, leaked, pumped, poured, emitted, or dumped.

(7.1) 'Hazardous area' means any area which the commissioner has designated as such because of conditions which create a threat to the safety and welfare of boaters who may operate in such area.

(8) 'Holding tank' means any container which is designed to receive and hold sewage and other wastes discharged from a marine toilet and which is constructed and installed in such a manner that it can only be emptied by pumping out the contents of such holding tank.

(8.1) 'Homemade vessel' means any vessel that is built by an individual for personal use from raw materials that does not require the assignment of a federal hull identification number by a manufacturer pursuant to federal law. A person furnishing raw materials under a contract may be considered the builder of a homemade vessel. Antique boats, boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels are not considered homemade vessels.

(8.2) 'Hull identification number' or 'HIN' means a number assigned to vessels by the manufacturer of the vessel or by the issuing authority of a state as required by the United States Coast Guard in accordance with federal law.

(9) 'Idle speed' means a slow speed maintained by the operator of a mechanically propelled vessel reached by engaging the engine of the vessel into said speed by reducing the throttle to a minimum.

(9.1) 'Issuing authority' means, as to this state, the Department of Natural Resources; and, as to other states, the state if it has a numbering system approved by the United States Coast Guard or the United States Coast Guard if the state that does not have an approved numbering system.

1 (10) 'Marine toilet' includes any equipment for installation on board a vessel which is  
2 designed to receive, retain, treat, or discharge sewage and any process to treat such  
3 sewage. A marine toilet must be equipped with a holding tank which can be emptied  
4 only by pumping out.

5 (11) 'Mechanically propelled vessel' means, for the purpose of determining fire  
6 extinguisher requirements, those vessels propelled by machinery using a volatile liquid  
7 for fuel.

8 (12) 'Nonmotorized vessel' means any vessel other than a sailboat which has no motor  
9 attached in a manner to make it readily available for operation.

10 (13) 'No wake' means that the wake or wash created by the movement of the vessel  
11 through the water is minimal.

12 (14) 'Operate' means to navigate or otherwise use a vessel which is not at anchor or  
13 moored, including vessels which are being paddled, are drifting, or are being powered by  
14 machinery.

15 (15) 'Operator' means the person who operates or has charge of the navigation or use of  
16 a vessel.

17 (16) 'Owner' means a person, other than a lienholder, having the property in or title to a  
18 vessel. The term includes a person entitled to the use or possession of a vessel subject to  
19 an interest in another person reserved or created by agreement and securing payment or  
20 performance of an obligation but the term excludes a lessee under a lease not intended  
21 as security.

22 (17) 'Person' means an individual, partnership, firm, corporation, association, or other  
23 legal entity.

24 (18) 'Personal flotation device' means any lifesaving device classified and approved as  
25 Type I, Type II, Type III, Type IV, or Type V (Hybrid) by the United States Coast Guard.

26 (19) 'Portable marine toilet' means any device which is movable or portable and is not  
27 permanently installed on a vessel and which is designed to receive and temporarily retain  
28 sewage.

29 (20) 'Power boat' means any boat, vessel, or water-going craft which is propelled by  
30 mechanical rather than manual means whether or not such propulsion device forms an  
31 integral part of the structure thereof.

32 (21) 'Protected fresh waters' means the waters of Lake Allatoona, Lake Blackshear,  
33 Clarks Hill Lake, Hartwell Lake, Lake Sidney Lanier, Lake Oconee, Lake Seminole,  
34 Lake Sinclair, Russell Lake, Walter F. George Reservoir, and West Point Lake.

35 (22) 'Reportable boating accident' means an accident, collision, or other casualty  
36 involving a vessel subject to this article which results in loss of life, injury sufficient to

1 cause incapacitation for at least 24 hours, or actual physical damage to property,  
2 including vessels, in excess of \$2,000.00.

3 (22.1) 'Sailboard' means any sailboat whose unsupported mast is connected by a swivel  
4 or a flexible universal joint to a hull similar to the hull of a surfboard.

5 (23) 'Sewage' means human body wastes and the waste from toilets and other receptacles  
6 intended to receive or retain body wastes.

7 (24) 'Undocumented vessel' means a vessel which is not required to have and does not  
8 have a valid marine document issued by the United States Coast Guard or federal agency  
9 successor thereto.

10 (25) 'Vessel' means every description of watercraft, other than a seaplane on the water  
11 or a sailboard, used or capable of being used as a means of transportation on water and  
12 specifically includes, but is not limited to, inflatable rafts and homemade vessels;  
13 provided, however, Code Section 52-7-18, relating to rules of the road for boat traffic,  
14 shall be applicable to sailboards.

15 (26) 'Waters of this state' means any waters within the territorial limits of this state and  
16 the marginal sea adjacent to this state and the high seas when navigated as a part of a  
17 journey or ride to or from the shore of this state. This definition shall not include  
18 privately owned ponds or lakes not open to the public.

19 52-7-4.

20 ~~Every vessel using the waters of this state shall be numbered, except those vessels~~  
21 ~~exempted by Code Section 52-7-6 and those vessels documented by the United States~~  
22 ~~Coast Guard and licensed pursuant to Code Section 27-2-8. No person shall operate or give~~  
23 ~~permission for the operation of any such vessel on the waters of this state unless the vessel~~  
24 ~~is numbered in accordance with this article or in accordance with applicable federal law or~~  
25 ~~in accordance with a federally approved numbering system of another state and unless:~~

26 (1) ~~The certificate of number issued to the vessel is on board and in full force and effect;~~  
27 ~~and~~

28 (2) ~~The identifying number set forth in the certificate of number is properly displayed~~  
29 ~~on each side of the forward half of the vessel; provided, however, that this requirement~~  
30 ~~shall not apply to numbered vessels which are documented by the United States Coast~~  
31 ~~Guard.~~

32 (a) No person shall operate on the waters of this state a vessel manufactured after  
33 November 1, 1972, unless the vessel displays an assigned hull identification number as  
34 required by the United States Coast Guard or by the issuing authority; provided, however,  
35 that this subsection shall not apply to an innertube, a vessel used exclusively for racing, or  
36 a homemade vessel. The hull identification number shall be carved, burned, stamped,

1 embossed, or otherwise permanently affixed to the outboard side of the transom or the  
2 starboard side within two feet of the transom above the waterline in accordance with  
3 federal law or as directed by the issuing authority.

4 (b) No person shall operate on the waters of this state a vessel that was manufactured  
5 before November 1, 1972, for which an issuing authority has issued a hull identification  
6 number unless the hull identification number is clearly displayed on the hull of the vessel  
7 as described in subsection (a) of this Code section.

8 (c) No person shall operate on the waters of this state a homemade vessel unless the  
9 homemade vessel displays a hull identification number assigned by an issuing authority on  
10 the hull of the vessel as described in subsection (a) of this Code section.

11 (d) No person shall destroy, remove, alter, cover, or deface the hull identification number,  
12 or any plate or decal bearing such number, of any vessel, except to make necessary repairs  
13 that require the removal of the HIN. Immediately upon completion of any repairs requiring  
14 the destruction, removal, alteration, covering, or defacing of a vessel's HIN, the person  
15 shall reaffix the hull identification number to the vessel in accordance with federal law or  
16 shall apply for a replacement hull identification number from the department.

17 (e) No person shall assign the same hull identification number to more than one vessel.

18 52-7-4.1.

19 Each vessel, other than an innertube or a vessel used exclusively for racing, manufactured  
20 or built after the effective date of this Code section for sale in this state shall have a hull  
21 identification number displayed prior to sale or delivery for sale in accordance with federal  
22 law and this article. The hull identification number shall not be altered or replaced by the  
23 manufacturer or manufacturer's representative for the purpose of upgrading the model year  
24 of a vessel after being offered for sale or delivered to any dealer.

25 52-7-5.

26 (a) The owner of each vessel required to be numbered by this article and which has no hull  
27 identification number shall file an application for number with the department on forms  
28 approved by it. Upon receipt of the application in approved form, the department shall  
29 enter the application upon its records and issue to the applicant a certificate of number  
30 stating the number assigned to the vessel, the name and address of the owner, and such  
31 additional information as may be prescribed by the department.

32 ~~(b)(1) The identification number assigned to all registered vessels, except those~~  
33 ~~documented by the United States Coast Guard, must be permanently painted or attached~~  
34 ~~to each side of the forward half of the vessel, and no other number may be displayed~~  
35 ~~thereon. Numbers must read from left to right, be in block characters, be of a color~~

contrasting with the background, and be not less than three inches in height nor more than one inch apart. There shall be a hyphen or space between the prefix letters and numerals and between the numerals and the suffix letters. The hyphen or space shall be equal to the width of any letter except I.

(2) ~~On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number will be clearly visible under normal operating conditions.~~

(3) ~~The numbers shall be maintained in a legible condition.~~

(4) ~~Vessels owned by manufacturers or dealers and being used as demonstrators or for testing may use the dealer's tag supplied with his or her registration in lieu of a permanently attached number.~~

(5) ~~The decals assigned to all registered vessels must be displayed one on each side of the bow preceding the prefix letters. There shall be a hyphen or space separating each decal and the prefix letters. The hyphen or space shall be equal to the width of any letter except I~~ Reserved.

(c) Applications shall be signed by the owner or owners of the vessel and shall be accompanied by the proper fee. Fees for numbering vessels for a registration period of three years shall be as follows:

(1) Vessels up to 16 feet in length . . . . .	\$ 15.00
(2) Vessels 16 to 26 feet in length . . . . .	36.00
(3) Vessels 26 to 40 feet in length . . . . .	90.00
(4) Vessels 40 feet in length or longer . . . . .	150.00

(d) ~~Change of ownership.~~

(1) Should the ownership of a numbered vessel change while the registration is in effect, a new application form with a transfer fee of \$3.00 shall be filed with the department, and a new certificate of number shall be issued to the new owner in the same manner as provided for in the original assignment of number. The number assigned shall be identical with the previous one. The year of expiration shall remain the same and the date of expiration shall be determined by the date of birth of the new owner.

(2) Should the transfer occur in the year of expiration after the month of the new owner's birth, the prescribed fee for the three-year registration must accompany the application form and the \$3.00 transfer fee.

(3) Should the ownership of a numbered vessel change after the registration has lapsed, a new application form with the prescribed fee for the three-year registration shall be filed with the department. A new certificate shall be issued to the new owner. Upon receipt



1 by the department of a specific request from the new owner and payment of a fee of  
2 \$3.00, the number assigned shall be identical with the previous one unless it has been  
3 reassigned during the lapsed period. If the number has been reassigned during the lapsed  
4 period, the new owner's fee shall be returned with the new certificate of registration.

5 (e) In the event that an agency of the United States government shall have in force an  
6 overall system of identification (numbering) for vessels within the United States, the  
7 numbering system employed pursuant to this article by the department shall be in  
8 conformity therewith.

9 (f) The department may issue any certificate of number directly or may authorize any  
10 person to act as agent for the issuing thereof. In the event that a person accepts such  
11 authorization, he or she may be allotted a block of numbers and certificates therefor which,  
12 upon assignment and issue in conformity with this article and with any rules and  
13 regulations of the department, shall be valid as if assigned and issued directly by the  
14 department. Any person acting as agent for the department may charge a fee for his or her  
15 services in an amount approved by the department not to exceed \$10.00 per transaction.

16 (g) All records of the department made or kept pursuant to this Code section shall be  
17 public records.

18 (h) After March 3, 1981, every certificate of number issued to previously unregistered  
19 vessels pursuant to this article shall continue in full force and effect for a period of three  
20 years unless sooner terminated or discontinued in accordance with this article. Certificates  
21 of number may be renewed by the owner in the same manner provided for in the initial  
22 securing of the certificates.

23 (i)(1) Beginning in 1974, the certificate of number of all vessels owned by individuals  
24 shall expire on the last day of the month of the owner's birth in the last year of the  
25 registration period and after that date shall lapse and no longer be of any force and effect  
26 unless renewed pursuant to this article.

27 (2) The certificate of number of all vessels owned by other than individuals shall expire  
28 on December 31 of the last year of the registration period and after that date shall lapse  
29 and no longer be of any force and effect unless renewed pursuant to this article.

30 (3) Registrations may be renewed 60 days prior to the last day of the month of the  
31 owner's birth in the year of expiration.

32 (j) The owner shall furnish the department written notice of the transfer of all or of any  
33 part of his or her interest, other than the creation of a security interest, in a vessel numbered  
34 in this state pursuant to this Code section, the theft or recovery of the vessel, or the  
35 destruction or abandonment of the vessel within 15 days thereof.

(k) Any holder of a certificate of number shall notify the department in writing within 15 days if his or her address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the department with his or her new address.

(l) No number other than the number validly assigned to a vessel shall be painted, attached, or otherwise displayed on either side of the forward half of the vessel.

(m)(1) A certificate of number once issued pursuant to this Code section shall be considered void upon the happening of any one of the following events:

(A) The owner transfers all his or her interest in said vessel to another person or involuntarily loses his or her interest through legal process;

(B) The vessel is destroyed or abandoned;

(C) It is discovered by the department that the application submitted by the owner contains false or fraudulent information;

(D) The fees for issuance are not paid by the applicant; or

(E) The state of principal use is changed.

(2) A void certificate must be surrendered to the department within 15 days from the date that it becomes or is declared to be void.

(n) The number placed on the forward half of the vessel by the owner must be removed by the owner if:

(1) The vessel is documented under the laws of the United States;

(2) The certificate or number becomes invalid because it is determined that a false or fraudulent statement was made in the application or the fees have not been paid; or

(3) The vessel is no longer used in this state.

52-7-5.1.

(a) If the hull identification number on a vessel required by this article to have a hull identification number does not exist or has been altered, removed, destroyed, covered, or defaced or the real identity of the vessel cannot be determined, the vessel, and any items used while towing said vessel, may be seized as contraband property by a law enforcement agency or the department and shall be subject to forfeiture. Such vessel shall not be sold or operated on the waters of the state unless the department:

(1) Receives a request from a law enforcement agency providing adequate documentation for a replacement hull identification number; or

(2) Is directed by written order of a court of competent jurisdiction to issue to the vessel a replacement hull identification number.

Thereafter, the replacement HIN shall be used for identification purposes. No vessel shall be forfeited if the owner was unaware the vessel's HIN had been altered, removed, destroyed, covered, or defaced.

1 (b) The failure to have the hull identification number clearly displayed in compliance with  
2 this article shall be probable cause for any law enforcement officer to make further  
3 inspection of the vessel in question to ascertain the true identity thereof.

4 52-7-5.2.

5 (a) Property subject to forfeiture under Code Section 52-7-5.1 and in the possession of any  
6 state or local law enforcement agency shall not be subject to replevin but shall be deemed  
7 to be in the custody of the superior court of the county wherein the property is located  
8 subject only to the orders and decrees of the court having jurisdiction over the forfeiture  
9 proceedings.

10 (b) The law enforcement agency having possession of any property subject to forfeiture  
11 under Code Section 52-7-5.1 shall report such fact within ten days of taking possession to  
12 the district attorney of the judicial circuit having jurisdiction in the county where the  
13 property is located. Within 30 days from the date he or she receives such notice, the  
14 district attorney of the judicial circuit shall file in the superior court of the county in which  
15 the property is located an action for condemnation of the property. The proceedings shall  
16 be brought in the name of the state, and the action shall be verified by a duly authorized  
17 agent of the state in the manner required by law. The action shall describe the property,  
18 state its location, state its present custodian, state the name of the owner, if known, state  
19 the duly authorized agent of the state, allege the essential elements which are claimed to  
20 exist, and shall conclude with a prayer of due process to enforce the forfeiture. Upon the  
21 filing of such an action, the court shall promptly cause process to issue to the present  
22 custodian in possession of the property described in the action, commanding him or her to  
23 seize the property described in the action and to hold that property for further order of the  
24 court. A copy of the action shall be served on the owner, if known. If the owner is known,  
25 a copy of the action shall also be served upon any person having a duly recorded security  
26 interest in or lien upon that property. If the owner is unknown or resides out of the state  
27 or departs the state or cannot after due diligence be found within the state or conceals  
28 himself or herself so as to avoid service, notice of the proceedings shall be published once  
29 a week for two weeks in the newspaper in which the sheriff's advertisements are published.  
30 Such publication shall be deemed notice to any and all persons having an interest in or right  
31 affected by such proceeding and from any sale of the property resulting therefrom but shall  
32 not constitute notice to any person having a duly recorded security interest in or lien upon  
33 such property and required to be served under this Code section unless that person is  
34 unknown or resides out of the state or departs the state or cannot after due diligence be  
35 found within the state or conceals himself or herself to avoid service. At the expiration of  
36 30 days after such filing, if no claimant has appeared to defend the action, the court shall

1 order the disposition of the seized property as provided for in this Code section. If the  
2 owner of the vessel appears and defends the action and can show that he or she was  
3 unaware of the fact that the hull identification number had been removed, altered, defaced,  
4 falsified, or destroyed, the court shall order the property returned to the owner upon the  
5 owner's paying proper expenses relating to proceedings for forfeiture, including the  
6 expenses of the maintenance of custody, advertising, and court costs and upon the vessel  
7 being assigned a new hull identification number as provided in this article.

8 (c) Except as otherwise provided in this article, when property is forfeited under this  
9 article, the court may:

10 (1) Order that the vessel be retained by the law enforcement agency or the county in  
11 which the vessel is located; or

12 (2) Order that the vessel be disposed of by sale, the proceeds of which shall be used to  
13 pay the proper expenses relating to the proceedings for forfeiture, including the expenses  
14 of maintenance of custody, advertising, and court costs, with the remaining funds to be  
15 paid into the general fund of the county.

16 (d) Prior to the vessel being sold or returned to the owner or otherwise disposed of, the  
17 department shall assign it a new hull identification number in accordance with federal law.

18 52-7-5.3.

19 (a) It shall be unlawful for any person to knowingly possess, manufacture, sell or  
20 exchange, offer to sell or exchange, aid in the sale or exchange, supply in blank, authorize,  
21 direct, or give away any counterfeit HIN, any counterfeit manufacturer's vessel HIN plate  
22 or decal, or any manufacturer's vessel HIN plate decal which is assigned to a vessel to be  
23 used for the purpose of identification of a vessel other than the one to which it is assigned;  
24 or to conspire to do any of the foregoing. However, nothing in this subsection shall be  
25 applicable to any approved hull identification number plate or decal issued as a  
26 replacement by the manufacturer or an issuing authority.

27 (b) It shall be unlawful for any person to knowingly buy, sell, offer for sale, receive,  
28 dispose of, conceal, or have in his or her possession any vessel, outboard motor, or part  
29 thereof on which the HIN or any manufacturer's identification label of any kind has been  
30 altered, removed, destroyed, covered, or defaced or to knowingly maintain such vessel,  
31 outboard motor, or part thereof in any manner which conceals or misrepresents the true  
32 identity of the vessel, the outboard motor, or any part thereof.

33 52-7-5.4.

34 Any person who violates any provision of Code Section 52-7-4, 52-7-4.1, 52-7-5.1,  
35 52-7-5.2, or 52-7-5.3 shall be guilty of a felony and, upon conviction thereof, shall be

punished by imprisonment for not less than one year nor more than ten years, by a fine of not more than \$50,000.00, or by both such fine and imprisonment.

52-7-6.

~~A vessel shall not be required to be numbered under this article if it is:~~

~~(1) Not motor propelled; provided, however, that sailboats 12 feet or more in length shall require registration;~~

~~(2) Covered by a certificate of number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not be used on the waters of this state for a period in excess of 60 consecutive days;~~

~~(3) From a country other than the United States, provided that such vessel shall not be used on the waters of this state for a period in excess of 60 consecutive days;~~

~~(4) A vessel whose owner is the United States, a state, or a subdivision thereof, which vessel is used exclusively in the nonrecreation public service and which is clearly identifiable as such;~~

~~(5) A vessel's lifeboat if the boat is used solely for lifesaving purposes; this exemption does not include dinghies, tenders, speedboats, or other types of craft carried aboard vessels and used for other than lifesaving purposes;~~

~~(6) A vessel that is used exclusively for racing;~~

~~(7) A vessel belonging to a class of boats which has been exempted from numbering by the department after the department has found that:~~

~~(A) The numbering of vessels of such class will not materially aid in their identification;~~

~~(B) An agency of the federal government has a numbering system applicable to the class of vessel to which the vessel in question belongs; and~~

~~(C) The vessel would also be exempt from numbering if it were subject to the federal law;~~

~~(8) Operating temporarily by virtue of evidence that a recent application for a certificate of number has been submitted; or~~

~~(9) Used exclusively on privately owned ponds or lakes, except for those licensed by the Federal Energy Regulatory Commission: Reserved."~~

#### SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

1

SECTION 5.

2

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