

House Bill 239 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 158th, Jerguson of the 22nd, and Burns of the 157th

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 change certain provisions relating to rules and regulations of the Board of Natural
3 Resources used to establish game and fish criminal violations; to change certain provisions
4 relating to wild animals for which licenses or permits are required; to amend Chapter 1 of
5 Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding
6 torts, so as to limit liability of certain landowners who allow wildlife to traverse their
7 property or of persons hunting game on such property with permission; to provide an
8 effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
12 revising Code Section 27-1-39, relating to rules and regulations of the Board of Natural
13 Resources used to establish game and fish criminal violations, as follows:

14 "27-1-39.

15 Notwithstanding any other law to the contrary, for purposes of establishing criminal
16 violations of the rules and regulations promulgated by the Board of Natural Resources as
17 provided in this title, the ~~terms~~ term 'rules and regulations' shall mean those rules and
18 regulations of the Board of Natural Resources in force and effect on ~~January 1, 2006~~
19 January 1, 2008."

20 style="text-align:center">**SECTION 2.**

21 Said title is further amended by revising subparagraphs (a)(1)(A) and (b)(1)(A) and the
22 language introductory thereto in Code Section 27-5-5, relating to wild animals for which
23 licenses or permits are required, as follows:

1 "(a) The following animals are considered to be inherently dangerous to human beings and
2 are subject to the license or permit and insurance requirements provided for in
3 subsection (f) of Code Section 27-5-4:

4 (1) Class Mammalia:

5 (A) Order Marsupialia: ~~Family Macropodidae: Genus Macropus (Kangaroos,~~
6 wallabies, wallaroos) — All species;"

7 "(b) Except as provided in this Code section, a license or permit is required for the
8 following wild animals and any others specified by regulation of the board:

9 (1) Class Mammalia:

10 (A) Order Marsupialia (~~opossum, wallabies, etc.~~) — All species other than those listed
11 in subparagraph (a)(1)(A) of this Code section; except that Petaurus breviceps (sugar
12 glider) may be sold, purchased, exhibited, or held as a pet without a license or permit
13 if the owner thereof possesses valid documentation that the animal originated from a
14 source inspected and regulated by the United States Department of Agriculture;"

15 SECTION 3.

16 Said title is further amended by revising subparagraph (b)(1)(Q) of Code Section 27-5-5,
17 relating to wild animals for which licenses or permits are required, as follows:

18 "(Q) Order Artiodactyla (even-toed ungulates) - All species except Bison bison
19 (buffalo), Bubalus bubalis (water buffalo), and Llama guanicoe, L. glama, and L. pacos
20 (llamas);"

21 SECTION 4.

22 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
23 provisions regarding torts, is amended by adding a new Code section to read as follows:

24 "51-1-52.

25 A landowner who allows wildlife to traverse the owner's property, or a person hunting
26 game on such property with permission, shall be immune from civil liability for damage
27 and injuries which may be caused by wildlife which traverse the landowner's property and
28 enter a public roadway or right of way, provided that the conduct of the landowner or
29 person hunting game does not constitute gross negligence or willful and wanton
30 misconduct."

31 SECTION 5.

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

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SECTION 6.

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