

House Bill 869 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 167<sup>th</sup>, Knight of the 126<sup>th</sup>, Burns of the 157<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, and Stephens of the 164<sup>th</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 extensively revise various provisions relative to salt water fisheries management; to  
3 change certain provisions relating to rules and regulations of the Board of Natural Resources  
4 used to establish game and fish criminal violations; to add certain provisions relating to  
5 requirements of the Salt Water Information Program; to change certain provisions relating  
6 to methods of fishing generally; to change certain provisions relating to use of gill nets; to  
7 change certain provisions relating to creel, possession, and size limits for certain fresh-water  
8 species; to change certain provisions relating to adoption of rules and regulations by the  
9 board; to authorize the repeal of certain rules or regulations; to change certain provisions  
10 relating to fishing with bow and arrow; to repeal certain provisions relating to sport shad  
11 fishing; to change certain provisions relating to the designation of trout waters; to allow for  
12 the commercial fishing of American eels, catfish in salt water, and horseshoe crabs; to repeal  
13 certain provisions relating to commercial eel fishing; to change certain provisions relating  
14 to lawful fishing devices generally; to repeal certain provisions relating to lawful methods  
15 of commercial salt-water fishing generally; to repeal certain provisions relating to lawful  
16 commercial salt-water fishing gear generally; to repeal certain provisions relating to use of  
17 purse seines; to repeal certain provisions relating to commercial catfishing; to change certain  
18 provisions relating to required records; to change certain provisions relating to factors  
19 governing decision to open or close salt waters; to repeal certain provisions relating to open  
20 seasons, creel, possession, and minimum size limits for certain finfish species; to repeal  
21 prohibition on taking or possessing Atlantic billfish; to repeal certain provisions relating to  
22 zoning of salt waters; to authorize the board to promulgate regulations relating to fishing for  
23 shrimp for noncommercial purposes; to allow for fishing for jellyfish; to repeal certain  
24 provisions relating to sport bait shrimping; to repeal certain provisions relating to bait shrimp  
25 dealers; to repeal certain provisions relating to protections for horseshoe crabs; to change  
26 certain provisions relating to master collecting and pickers' permits; to change certain  
27 provisions relating to minimum size of oysters which may be taken for commercial or  
28 noncommercial purposes; to amend Chapter 7 of Title 52 of the Official Code of Georgia

29 Annotated, relating to the registration, operation, and sale of watercraft, so as to establish the  
 30 date of rules and regulations promulgated by the Board of Natural Resources used to  
 31 establish criminal violations; to correct cross-references; to provide for effective dates; to  
 32 repeal conflicting laws; and for other purposes.

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

34 **SECTION 1.**

35 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
 36 revising Code Section 27-1-39, relating to rules and regulations used to establish criminal  
 37 violations relative to game and fish, as follows:

38 "27-1-39.

39 Notwithstanding any other law to the contrary, for purposes of establishing criminal  
 40 violations of the rules and regulations promulgated by the Board of Natural Resources as  
 41 provided in this title, the ~~terms~~ term 'rules and regulations' shall mean those rules and  
 42 regulations of the Board of Natural Resources in force and effect on January 1, ~~2010~~ 2012."

43 **SECTION 2.**

44 Said title is further amended by adding a new Code section to read as follows:

45 "27-2-20.1.

46 It shall be unlawful for any person required to obtain a fishing license as provided in Code  
 47 Section 27-2-1 to fish in the salt waters of this state without participating in the Saltwater  
 48 Information Program. Participation in such program shall require the completion of a  
 49 screening questionnaire prior to obtaining a free Georgia salt water fishing endorsement  
 50 and the possession of such endorsement or other evidence of participation while salt water  
 51 fishing."

52 **SECTION 3.**

53 Said title is further amended by revising subsections (a) and (b) of Code Section 27-4-5,  
 54 relating to methods of fishing generally, as follows:

55 "(a) It shall be unlawful to fish for game fish, except American shad, hickory shad,  
 56 flathead catfish, and channel catfish, by any means other than a pole and line. Except as  
 57 otherwise provided, it shall be unlawful to take any fish in the fresh waters of this state by  
 58 any method other than a pole and line, sport trotlines in accordance with Code Section  
 59 27-4-32, set hooks, jugs, bow and arrow in accordance with Code Section 27-4-34, spears  
 60 in accordance with Code Section 27-4-33, ~~bow nets as provided in Code Section 27-4-35,~~  
 61 seines in accordance with Code Section 27-4-6, by hand in accordance with Code Section

62 27-4-37, and as authorized in Code Section 27-4-91 with regard to commercial fresh-water  
63 fishing.

64 (b) Notwithstanding subsection (a) of this Code section, dip nets and cast nets may be used  
65 to take for bait threadfin shad, blueback herring, ~~and gizzard shad for bait, and other~~  
66 nongame fish as authorized by the board; and landing nets may be used to land fish legally  
67 caught."

68 **SECTION 4.**

69 Said title is further amended by revising Code Section 27-4-7, relating to use of gill nets and  
70 seizure of illegal nets, as follows:

71 "27-4-7.

72 (a) Except as otherwise provided by law or rule and regulation, it shall be unlawful for any  
73 person to use a gill net in any of the fresh waters or salt waters of this state at any time,  
74 provided that it shall be lawful for properly licensed fishermen to use such nets in the  
75 taking of shad ~~and sturgeon~~ in accordance with Code Section 27-4-71, ~~subsection (d) of~~  
76 ~~Code Section 27-4-91~~, and all other laws and rules and regulations applicable to the taking  
77 of ~~such fish~~ shad. All nets violative of this Code section found in the fresh waters or salt  
78 waters of this state or in the possession of any person on or around fresh water or salt water  
79 shall be seized by conservation rangers or other peace officers of this state. Nets so seized  
80 shall be confiscated and shall become the property of the department and shall be disposed  
81 of as the commissioner shall direct.

82 (b) Except for ~~sturgeon shad~~ shad taken in accordance with ~~subsection (d) of~~ Code Section  
83 ~~27-4-91~~ 27-4-71, it shall be unlawful to land in this state any of the species of fish  
84 enumerated in Code Section ~~27-4-130.1~~ 27-4-10 which were taken by means of a gill net.  
85 For purposes of this subsection, 'to land' fish means to bring the fish to shore in this state  
86 in the boat or vessel utilized in taking the fish by means of a gill net, regardless of the  
87 jurisdiction from which the fish were taken."

88 **SECTION 5.**

89 Said title is further amended by revising subsection (a) of Code Section 27-4-10, relating to  
90 creel and possession limits and size restrictions, as follows:

91 "(a) It shall be unlawful to take in one day or to possess at any one time, except at a  
92 commercial storage facility or at one's place of abode, more than the creel and possession  
93 limits established by the board for that fish species; provided, however, that it shall be  
94 illegal to possess more than a total of 50 individuals of all fresh water species named in this  
95 Code section. It shall be unlawful to take from the waters of this state or to possess any  
96 fish species larger or smaller or in numbers greater than the limits established by the board

97 in accordance with this Code section. The board shall establish creel and possession limits  
 98 which shall be no greater than the following limits and shall establish sizes of fish species  
 99 within the following ranges which may not be taken:

| 100 | Species                       | Ranges of Sizes      | Maximum Daily    |
|-----|-------------------------------|----------------------|------------------|
| 101 |                               | Within Which Fish    | Creel And        |
| 102 |                               | May Not Be Taken     | Possession Limit |
| 103 | (1) Largemouth bass           | 0 — 24 inches        | 10               |
| 104 | (2) Smallmouth bass           | 0 — 18 inches        | 10               |
| 105 | (3) Shoal bass                | 0 — 18 inches        | 10               |
| 106 | (4) Suwannee bass             | 0 — 18 inches        | 10               |
| 107 | (5) Spotted bass or           | 0 — 18 inches        | 10               |
| 108 | Kentucky bass                 |                      |                  |
| 109 | (6) Redeye bass or Coosa bass | 0 — 12 inches        | 10               |
| 110 | (7) Mountain trout            | 0 — 24 inches        | 8                |
| 111 | (8) White bass                | 0 — 36 inches        | 15               |
| 112 | (9) Striped bass              | 0 — 36 inches        | 15               |
| 113 | (10) Striped white bass       | 0 — 36 inches        | 15               |
| 114 | hybrids                       |                      |                  |
| 115 | (11) Any one or combination   | 0 — 10 inches        | 50               |
| 116 | of the species of bream       |                      |                  |
| 117 | or sunfish                    |                      |                  |
| 118 | (12) Walleye                  | 0 — 24 inches        | 15               |
| 119 | (13) Sauger                   | 0 — 24 inches        | 15               |
| 120 | (14) Chain pickerel           | 0 — 24 inches        | 15               |
| 121 | (15) Grass pickerel           | 0 — 12 inches        | 15               |
| 122 | (16) Redfin pickerel          | 0 — 12 inches        | 15               |
| 123 | (17) Black crappie            | 0 — 14 inches        | 30               |
| 124 | (18) White crappie            | 0 — 14 inches        | 30               |
| 125 | (19) American shad            | 0 — 30 inches        | 8                |
| 126 | (20) Hickory shad             | 0 — 24 inches        | 8                |
| 127 | <u>(21) Amberjack</u>         | <u>0 — 50 inches</u> | <u>5</u>         |
| 128 | <u>(22) Atlantic croaker</u>  | <u>0 — 10 inches</u> | <u>25</u>        |
| 129 | <u>(23) Atlantic sturgeon</u> | <u>0 — 86 inches</u> | <u>1</u>         |
| 130 | <u>(24) Black drum</u>        | <u>0 — 36 inches</u> | <u>15</u>        |
| 131 | <u>(25) Black sea bass</u>    | <u>0 — 15 inches</u> | <u>15</u>        |

|     |                                    |                       |           |
|-----|------------------------------------|-----------------------|-----------|
| 132 | <u>(26) Blue marlin</u>            |                       | <u>3</u>  |
| 133 | <u>(27) Bluefish</u>               | <u>0 — 20 inches</u>  | <u>15</u> |
| 134 | <u>(28) Cobia</u>                  | <u>0 — 40 inches</u>  | <u>5</u>  |
| 135 | <u>(29) Dolphin</u>                | <u>0 — 24 inches</u>  | <u>15</u> |
| 136 | <u>(30) Flounder (Paralichthys</u> | <u>0 — 15 inches</u>  | <u>15</u> |
| 137 | <u>spp.)</u>                       |                       |           |
| 138 | <u>(31) Gag grouper</u>            | <u>0 — 25 inches</u>  | <u>5</u>  |
| 139 | <u>(32) King mackerel</u>          | <u>0 — 36 inches</u>  | <u>5</u>  |
| 140 | <u>(33) Red drum</u>               | <u>0 — 36 inches</u>  | <u>5</u>  |
| 141 | <u>(34) Red porgy</u>              | <u>0 — 20 inches</u>  | <u>10</u> |
| 142 | <u>(35) Red snapper</u>            | <u>0 — 25 inches</u>  | <u>5</u>  |
| 143 | <u>(36) Sailfish</u>               |                       | <u>3</u>  |
| 144 | <u>(37) Sand tiger shark</u>       | <u>0 — 140 inches</u> | <u>1</u>  |
| 145 | <u>(38) Sharks</u>                 | <u>0 — 120 inches</u> | <u>2</u>  |
| 146 | <u>(39) Sheepshead</u>             | <u>0 — 20 inches</u>  | <u>15</u> |
| 147 | <u>(40) Small sharks composite</u> | <u>0 — 54 inches</u>  | <u>4</u>  |
| 148 | <u>(Atlantic sharpnose,</u>        |                       |           |
| 149 | <u>bonnethead, and spiny</u>       |                       |           |
| 150 | <u>dogfish)</u>                    |                       |           |
| 151 | <u>(41) Spanish mackerel</u>       | <u>0 — 20 inches</u>  | <u>20</u> |
| 152 | <u>(42) Spot</u>                   | <u>0 — 10 inches</u>  | <u>25</u> |
| 153 | <u>(43) Spotted sea trout</u>      | <u>0 — 25 inches</u>  | <u>15</u> |
| 154 | <u>(44) Tarpon</u>                 | <u>0 — 90 inches</u>  | <u>1</u>  |
| 155 | <u>(45) Tripletail</u>             | <u>0 — 25 inches</u>  | <u>5</u>  |
| 156 | <u>(46) Weakfish</u>               | <u>0 — 15 inches</u>  | <u>15</u> |
| 157 | <u>(47) White marlin</u>           |                       | <u>3"</u> |

158 **SECTION 6.**

159 Said title is further amended by revising Code Section 27-4-12, relating to adoption of rules  
160 and regulations by the board generally, as follows:

161 "27-4-12.

162 (a) The In accordance with current, sound principles of wildlife research and management,  
163 the board shall have the authority to adopt rules and regulations establishing seasons;  
164 methods of fishing; and disposition; size, possession, and creel limits; and gear and landing  
165 specifications and possession and creel limits for the taking of fish from the fresh waters

166 and salt waters of this state, except to the extent that such matters are specifically provided  
167 for by this title.

168 (b) Within the first ten days of a subsequent legislative session, the board shall report to  
169 the appropriate standing committees of each house and to all members whose districts are  
170 included within current boundaries of the First Congressional District the following  
171 information for the previous year:

172 (1) A listing and description of rules promulgated by the board for salt-water species  
173 listed in Code Section 27-4-10; and

174 (2) A listing and description of any findings made by the department in making a  
175 determination pursuant to Code Section 27-4-130.

176 (c) The General Assembly may override any rule or regulation promulgated by the board  
177 affecting salt-water finfish fisheries after January 1, 2013, by adopting a joint resolution  
178 of the General Assembly so stating, the provisions of Code Section 50-13-4  
179 notwithstanding."

180 **SECTION 7.**

181 Said title is further amended in Code Section 27-4-34, relating to noncommercial fishing with  
182 bow and arrow, by adding a new subsection to read as follows:

183 "(e) Subject to the provisions of this Code section, and in accordance with current, sound  
184 principles of wildlife research and management, the board is authorized to promulgate rules  
185 and regulations regarding the taking of any fish from the salt waters of this state by means  
186 of bow and arrow."

187 **SECTION 8.**

188 Said title is further amended by repealing in its entirety Code Section 27-4-35, relating to  
189 sport shad fishing, and designating said Code section as reserved.

190 **SECTION 9.**

191 Said title is further amended by revising Code Section 27-4-50, relating to manner of fishing  
192 and moving of trout, as follows:

193 "27-4-50.

194 (a) It shall be unlawful to fish for trout in any ~~of the fresh waters of this state~~ waters  
195 designated as trout waters pursuant to Code Section 27-4-51 by any means other than using  
196 one pole and line held in hand.

197 (b) It shall be unlawful to use live fish for bait in any waters designated as trout waters  
198 pursuant to Code Section 27-4-51, except as authorized by the board.

199 (c) It shall be unlawful to move trout from any of the fresh waters of this state to any other  
 200 fresh waters of this state, except that authorized agents of the department may move trout  
 201 as necessary for purposes of fisheries management, conservation, and restoration."

202

**SECTION 10.**

203 Said title is further amended by revising Code Section 27-4-71, relating to commercial shad  
 204 fishing, as follows:

205 "27-4-71.

206 (a) It shall be unlawful to fish commercially for shad, American eels, catfish in salt water,  
 207 or horseshoe crabs except with a valid commercial fishing license as prescribed in Code  
 208 Section 27-2-23 and a valid commercial fishing boat license as prescribed in Code Section  
 209 27-2-8. In accordance with current, sound principles of wildlife research and management,  
 210 the commissioner may authorize any person so licensed to fish for shad, American eels,  
 211 catfish in salt water, or horseshoe crabs.

212 ~~(b) It shall be unlawful to fish commercially for shad from May 1 through December 31~~  
 213 In accordance with current, sound principles of wildlife research and management, the  
 214 board is authorized to promulgate rules and regulations establishing the seasons, days, and  
 215 places; methods of fishing and disposition; and size, creel, and possession limits for fishing  
 216 commercially for shad, American eels, catfish in salt water, and horseshoe crabs.

217 ~~(c) It shall also be unlawful to fish commercially for shad during the period of January 1~~  
 218 ~~through April 30, except that it shall not be unlawful to fish commercially for shad during~~  
 219 ~~such period or portion thereof as has been designated by the board as an open season for~~  
 220 ~~such fishing, American eels, catfish in salt water, or horseshoe crabs except in compliance~~  
 221 with the rules and regulations of the board pertaining to the seasons, days, and places;  
 222 methods of fishing and disposition; and size, creel, and possession limits for fishing  
 223 commercially for such species.

224 ~~(d) It shall also be unlawful to fish commercially for shad except in compliance with the~~  
 225 ~~rules and regulations of the board pertaining to the methods, places, and days of the week~~  
 226 ~~for fishing commercially for shad.~~

227 ~~(e) In accordance with subsections (c) and (d) of this Code section and as may be~~  
 228 ~~appropriate based on sound principles of wildlife research and management, the board is~~  
 229 ~~authorized to promulgate rules and regulations establishing the seasons, days, places, and~~  
 230 ~~methods for fishing commercially for shad.~~

231 ~~(f) Notwithstanding any other provision to the contrary, there shall be no possession or~~  
 232 ~~creel limit on shad taken pursuant to this Code section.~~

233 ~~(g) This Code section shall apply only to American and hickory shad. Sturgeon, game fish~~  
 234 ~~other than American shad and hickory shad, and all species of catfish taken in shad nets~~  
 235 ~~must be released unharmed into the waters from which they were taken."~~

236 **SECTION 11.**

237 Said title is further amended by repealing in its entirety Code Section 27-4-72, relating to  
 238 commercial eel fishing, and designating said Code section as reserved.

239 **SECTION 12.**

240 Said title is further amended by revising Code Section 27-4-91, relating to lawful commercial  
 241 fresh-water fishing devices generally, as follows:

242 "27-4-91.

243 (a) Except as otherwise provided by law or regulation, it shall be unlawful for any person  
 244 engaged in commercial fresh-water fishing in this state to use any gear other than trotlines,  
 245 baskets in accordance with Code Section 27-4-92, turtle traps, or shad nets in accordance  
 246 with Code Section 27-4-71, ~~and sturgeon nets~~, to which have been attached a tag bearing  
 247 the name, address, and commercial fishing license number of the person using any such  
 248 gear.

249 (b) For purposes of subsection (a) of this Code section, 'trotlines' means one line which has  
 250 more than 50 hooks in any combination or a combination of lines with more than 50 hooks  
 251 in use by one person. The lines must be marked with visible buoys and must be attended  
 252 regularly and removed after the completed fishing trip. The lines must be submerged at  
 253 least three feet below the surface of the water. It shall be unlawful to keep any game fish,  
 254 except flathead catfish, channel catfish, American shad, and hickory shad, taken with such  
 255 lines.

256 (c) For purposes of subsection (a) of this Code section, turtle traps must be constructed of  
 257 netting and shaped as hoop nets. The traps must also have one open muzzle or throat at  
 258 least 32 inches wide with a ring ten inches in diameter made into the rear of the trap to  
 259 permit fish to escape. Notwithstanding any other provision to the contrary, it shall be  
 260 unlawful to use such traps in the Chattahoochee River and its impoundments lying between  
 261 Georgia and Alabama. It shall also be unlawful to retain any game fish taken in such traps  
 262 in any of the waters of this state.

263 ~~(d) For purposes of subsection (a) of this Code section, 'sturgeon nets' means a single net~~  
 264 ~~or webbing of mesh of not less than six inches on the square, provided that such nets must~~  
 265 ~~be situated so as to allow one-third of the stream width to remain open and free for the~~  
 266 ~~passage of fish. Such nets may not be used except between January 15 and July 1 of each~~  
 267 ~~year. It shall be unlawful to retain any game fish taken in such nets."~~

268 **SECTION 13.**

269 Said title is further amended by repealing in its entirety Code Section 27-4-112, relating to  
270 lawful methods of commercial salt water fishing generally, and designating said Code section  
271 as reserved.

272 **SECTION 14.**

273 Said title is further amended by repealing in its entirety Code Section 27-4-113, relating to  
274 lawful commercial salt-water fishing gear generally, and designating said Code section as  
275 reserved.

276 **SECTION 15.**

277 Said title is further amended by repealing in its entirety Code Section 27-4-114, relating to  
278 use of purse seines, and designating said Code section as reserved.

279 **SECTION 16.**

280 Said title is further amended by repealing in its entirety Code Section 27-4-115, relating to  
281 commercial catfishing, and designating said Code section as reserved.

282 **SECTION 17.**

283 Said title is further amended by revising subsection (a) of Code Section 27-4-118, relating  
284 to required commercial fishing records, as follows:

285 ~~"(a) Except for the taking of shellfish, it~~ It shall be unlawful for any person engaged in  
286 ~~commercial fishing or in the taking~~ landing of seafood in the salt waters of this state to fail  
287 to maintain at all times a record book showing the amount of ~~fish, prawn, shrimp, and other~~  
288 ~~seafood caught~~ landed daily per trip; the name and address of the person or persons to  
289 whom sold; the date of sale and the time and place of delivery; and such other information  
290 as may be required by the department."

291 **SECTION 18.**

292 Said title is further amended by repealing in its entirety Code Section 27-4-130, relating to  
293 factors governing decisions to open or close salt waters and public notice of opening or  
294 closing of waters, and enacting a new Code Section 27-4-130 to read as follows:

295 "27-4-130.

296 (a) The commissioner shall have the power to close all or any portion of the salt waters of  
297 this state to commercial and noncommercial fishing by species for a period not to exceed  
298 six months within a calendar year. Any determination to close the salt waters pursuant to

299 this subsection or to reopen such waters shall be made in accordance with current, sound  
 300 principles of wildlife research and management.

301 (b) Nothing in this Code section shall prohibit a person from landing in this state any fish  
 302 or seafood taken in federal waters pursuant to a valid commercial federal permit.

303 (c) For the purposes of enforcing this article, the department is authorized to zone the salt  
 304 waters of this state.

305 (d) Public notice of the opening or closing of salt waters as provided in this article shall  
 306 be given by posting a notice of such opening or closing at the courthouse in each coastal  
 307 county and by such other means as may appear feasible to inform interested persons of the  
 308 opening or closing. Such notices shall be posted at least 24 hours prior to any enforcement  
 309 action taken pursuant to this Code section.

310 (e) In accordance with current, sound principles of wildlife research and management, the  
 311 board is authorized to promulgate rules and regulations to prohibit the sale of any or all  
 312 seafood in this state."

313 **SECTION 19.**

314 Said title is further amended by repealing in their entirety Code Sections 27-4-130.1 and  
 315 27-4-130.2, relating to open seasons, creel and possession limits, and minimum size limits  
 316 for certain finfish species and prohibitions and exceptions relative to taking or possessing  
 317 Atlantic billfish, respectively.

318 **SECTION 20.**

319 Said title is further amended by repealing in its entirety Code Section 27-4-131, relating to  
 320 zoning of salt waters, and designating said Code section as reserved.

321 **SECTION 21.**

322 Said title is further amended by revising subsection (a) of Code Section 27-4-132, relating  
 323 to fishing for shrimp for noncommercial purposes generally, as follows:

324 "(a) In accordance with current, sound principles of wildlife research and management, the  
 325 board is authorized to promulgate rules and regulations establishing the seasons, days, and  
 326 places; methods of fishing and disposition; and size, creel, and possession limits for  
 327 noncommercial fishing for shrimp. Except as otherwise provided by law, it shall be  
 328 unlawful to fish for shrimp for noncommercial purposes in the salt waters of the State of  
 329 Georgia except by means of a bait shrimp cast net, food shrimp cast net, a beach seine of  
 330 a length and mesh size authorized for use in salt waters by subsection (d) of Code Section  
 331 27-4-112, or a ten-foot net in accordance with Code Section 27-4-170 established by the  
 332 board. The determination of whether to open or close a river or creek or a portion thereof

333 for fishing for shrimp shall be made by the commissioner in accordance with current, sound  
 334 principles of wildlife research and management."

335 **SECTION 22.**

336 Said title is further amended by revising subsections (c), (e), and (f) of Code Section  
 337 27-4-133, relating to lawful nets, opening and closing waters, and identification on boats  
 338 fishing for shrimp, as follows:

339 "(c) Except as otherwise specifically provided, it shall be unlawful to fish with nets other  
 340 than cast nets in any of the tidal rivers or creeks, except to fish for shad ~~or sturgeon~~,  
 341 provided that nothing contained in this Code section shall be construed so as to prohibit any  
 342 person from using a beach seine along any public beach."

343 "(e) Nothing contained in this Code section shall be construed to prohibit any person from  
 344 fishing in the salt waters of this state for shrimp to be used or sold for live bait pursuant to  
 345 Code Sections ~~27-4-170~~ and Section 27-4-171, provided that it shall be unlawful to fish for  
 346 shrimp for bait with any trawl equipment which has been used to fish for shrimp pursuant  
 347 to this Code section.

348 (f) In accordance with current, sound principles of wildlife research and management, as  
 349 ~~provided by Code Section 27-4-130~~, the commissioner is ~~authorized to~~ may authorize any  
 350 person to fish for crabs, jellyfish, or whelks with power-drawn nets of four-inch stretched  
 351 mesh from any waters outside, on the seaward side, of the sounds at any time during the  
 352 year, or from the waters of Cumberland, St. Simons, Sapelo, St. Andrew, Wassaw, and  
 353 Ossabaw sounds during the months of January, February, and March, when the  
 354 commissioner has determined that fishing for crabs, jellyfish, or whelks within such waters  
 355 will not be detrimental to the conservation of crabs, jellyfish, whelks, or shrimp.  
 356 Possession of any net with mesh smaller than that provided in this subsection while taking  
 357 crabs, jellyfish, or whelks shall be prima-facie evidence of the violation of this Code  
 358 section."

359 **SECTION 23.**

360 Said title is further amended by revising subsection (a) of Code Section 27-4-137, relating  
 361 to condemnation proceedings for violations, as follows:

362 "(a) Each boat, propulsion unit, net, door, boom, winch, cable, electronic device, or  
 363 accessory equipment used in violation of Code Section 27-4-133, ~~27-4-170~~, or 27-4-171  
 364 is declared to be contraband and forfeited to the state and shall be confiscated and seized  
 365 by any peace officer, who shall impound it in the name of the district attorney whose circuit  
 366 includes the county in which a seizure is made. The district attorney whose circuit includes  
 367 the county in which a seizure is made, within 30 days after the seizure of any such

368 equipment, shall institute proceedings by petition in the superior court of any county where  
 369 the seizure was made against the property so seized and against any and all persons having  
 370 an interest in or right affected by the seizure or sale of the equipment. A copy of the  
 371 petition shall be served upon the owner or lessee of the equipment, if known, and upon the  
 372 person having custody or possession of the equipment at the time of the confiscation or  
 373 seizure. If the owner, lessee, or person having custody or possession of the equipment at  
 374 the time of seizure is unknown, notice of such proceedings shall be published once a week  
 375 for two consecutive weeks in the newspaper in which sheriff's advertisements of the county  
 376 are published. Such publication shall be deemed notice to any and all persons having an  
 377 interest in or right affected by such proceedings and any sale of the equipment resulting  
 378 therefrom. If no defense or intervention shall be filed within 30 days from the filing of the  
 379 petition, judgment by default shall be entered by the court; otherwise, the case shall  
 380 proceed as other civil cases. Should it appear upon the trial of the case or upon default that  
 381 such equipment was used in violation of the Code sections heretofore cited in this  
 382 subsection, the equipment shall be sold by order of the court after such advertisement as  
 383 the court may direct. The proceeds arising from the sale shall be applied:

- 384 (1) To the payment of proper costs and expenses, including expenses incurred in the  
 385 seizure;
- 386 (2) To the payment of the costs of the court and its officers;
- 387 (3) To the payment of any costs incurred in the storage, advertisement, maintenance, or  
 388 care of such property; and
- 389 (4) If any money remains, to the general funds of the county."

390 **SECTION 24.**

391 Said title is further amended by repealing in its entirety Code Section 27-4-170, relating to  
 392 sport bait shrimping, and designating said Code section as reserved.

393 **SECTION 25.**

394 Said title is further amended by repealing in its entirety Code Section 27-4-171, relating to  
 395 bait shrimp dealers, and enacting a new Code Section 27-4-171 to read as follows:

396 "24-7-171.

397 (a)(1) It shall be unlawful for any person to fish for shrimp for live bait to be sold, to  
 398 engage in the sale of shrimp for live bait, or to engage in the sale of shrimp for dead bait  
 399 unless the person has a bait dealer license and possesses a valid personal commercial  
 400 fishing license as provided in Code Section 27-2-23 or is an employee of a licensed bait  
 401 dealer and possesses a valid personal commercial fishing license as provided in Code  
 402 Section 27-2-23; provided, however, that no cashier employed by a licensed bait dealer

403 and not actively involved in the harvest of bait shrimp shall be required to obtain a  
 404 commercial fishing license under this Code section. No bait dealer license shall be issued  
 405 to a person holding a commercial food shrimp cast netting license issued pursuant to Part  
 406 5 of this article. Any license issued pursuant to this Code section shall be invalid  
 407 immediately upon the holder's obtaining such a commercial food shrimp cast netting  
 408 license. No bait dealer license shall be issued for an individual whose establishment is  
 409 located on any dock or other facility, including platforms, walkways, and buildings,  
 410 which is one contiguous unit and where shrimp taken pursuant to Code Section 27-4-133  
 411 are processed, stored, or sold for retail purposes.

412 (2) In addition to complying with subsection (b) of this Code section, any applicant for  
 413 a bait dealer license must first file with the commissioner a forfeiture bond in the form  
 414 prescribed by the department, executed by a bonding, surety, or insurance company  
 415 licensed to do business in this state, in favor of the state in the amount of \$2,000.00,  
 416 conditioned upon the faithful compliance by the person and all his or her employees with  
 417 all the laws and regulations relating to the taking, possession, and sale of bait shrimp,  
 418 provided that a cash forfeiture bond in like amount may be substituted in lieu of the  
 419 commercial bond provided for in this Code section. The term of the bond shall be one  
 420 year and shall correspond to the period of the bait dealer license, which shall be from  
 421 April 1 to March 31. The bond shall be in addition to the commercial fishing boat  
 422 license, where applicable, required by Code Section 27-2-8 and in addition to the  
 423 personal commercial fishing license required by this Code section. Notation of execution  
 424 of the bond shall be stamped or endorsed on the applicant's bait dealer license.

425 (3) Trawler licenses for bait shrimp trawling shall not be issued to any person who does  
 426 not possess a valid bait dealer license unless such person is an employee of a licensed bait  
 427 dealer.

428 (4) In addition to the general provisions of this Code section and in accordance with  
 429 current, sound principles of wildlife research and management, the board is authorized  
 430 to promulgate rules and regulations establishing the seasons, days, and places; methods  
 431 of fishing and disposition; and size, creel, and possession limits for commercial bait  
 432 shrimping.

433 (5) It shall be unlawful for any person fishing for shrimp for live bait pursuant to this  
 434 Code section to:

435 (A) Hold a valid commercial food shrimp cast netting license issued pursuant to Part  
 436 5 of this article or to employ any person holding such a commercial food shrimp cast  
 437 netting license;

438 (B) Fish for shrimp pursuant to this Code section in closed waters. All salt waters of  
 439 this state shall be closed to fishing for shrimp pursuant to this Code section, except

440 those rivers or creeks or portions thereof opened to such taking. The determination of  
 441 whether to open or close a river or creek or portion thereof shall be made by the  
 442 commissioner in accordance with current, sound principles of wildlife research and  
 443 management; and

444 (C) Fail to maintain on the commercial fishing boat bait-holding facilities which comply  
 445 with the requirements set forth by the board.

446 (b) It shall be unlawful for any person to sell or otherwise dispose of, for human  
 447 consumption, any shrimp caught pursuant to this Code section or to possess such shrimp  
 448 for the purpose of sale or other distribution for human consumption or personally to  
 449 consume such shrimp. Possession of shrimp with heads off shall be prima-facie evidence  
 450 that the shrimp are to be sold for human consumption or are personally to be consumed.  
 451 Possession of more than 20 quarts of unlabeled, unpackaged, or unfrozen heads-on shrimp  
 452 shall be prima-facie evidence that such shrimp are to be used for human consumption or  
 453 are personally to be consumed.

454 (c) This Code section shall not prohibit the interstate import of bait shrimp provided that  
 455 a bona fide bill of lading accompanies such shrimp as proof that such shrimp were not  
 456 taken or transported in violation of this Code section or the laws of the jurisdiction from  
 457 which the bait shrimp originated.

458 (d) It shall be unlawful for any person fishing for shrimp pursuant to this Code section to  
 459 fail to have positioned on the bow or cabin of the boat being used for fishing for shrimp a  
 460 board with a background color of daylight fluorescent orange with such numerals and  
 461 letters painted or affixed thereon as are specified by the department for a particular  
 462 established bait dealership. The numerals and letters shall be at least 16 inches in height  
 463 and two inches in width or thickness, black in color, of block character, clearly legible, and  
 464 spaced so as to be readable from the air from left to right. The numerals and letters  
 465 required for compliance with this subsection shall be assigned by the department at the  
 466 time a bait dealer license is issued pursuant to Code Section 27-2-23.

467 (e) The department shall inspect the bait dealer facilities within 30 days from the time  
 468 application for license is received to ensure the facilities comply with the requirements of  
 469 this Code section and Code Section 48-8-59 before issuing a bait dealer license."

470 **SECTION 26.**

471 Said title is further amended by repealing in its entirety Code Section 27-4-172, relating to  
 472 protections for horseshoe crabs, catch limits, and exceptions, and designating said Code  
 473 section as reserved.

474 **SECTION 27.**

475 Said title is further amended by revising subsection (a) of Code Section 27-4-190, relating  
476 to master collecting and picker's permits for shellfish, hours for taking shellfish, and  
477 recreational harvesting, as follows:

478 "(a)(1) It shall be unlawful to take or possess shellfish in commercial quantities or for  
479 commercial purposes without first having obtained a master collecting permit or without  
480 proof of purchase that such shellfish were purchased from a certified shellfish dealer.  
481 Master collecting permits shall specify whether the permittee is authorized to take  
482 oysters, clams, or other shellfish and shall only be issued to persons certified by the  
483 Department of Agriculture to handle shellfish unless permission to take and possess  
484 shellfish for mariculture purposes has been granted by the department as described in  
485 subsection (d) of Code Section 27-4-197. Such permits shall be provided annually at no  
486 cost by the department but shall only be issued to persons with the right to harvest  
487 shellfish pursuant to Code Sections 44-8-6 through 44-8-8 or to holders of leases from  
488 such persons. A permittee may request authorization from the department for employees  
489 or agents, who shall be referred to as pickers, of such permittee to take shellfish from  
490 permitted areas. Such request shall be in writing to the department and shall include the  
491 name, address, and personal commercial fishing license number of the picker. It shall be  
492 unlawful for pickers to take or possess shellfish as authorized under their employer's  
493 master collecting permit unless they carry on their person while taking or in possession  
494 of shellfish a picker's permit as provided by the department indicating the exact area and  
495 circumstances allowed for taking. Such pickers' permits and charts shall be provided  
496 annually by the department at no cost and shall be in a form as prescribed by the  
497 department. Pickers must possess a valid personal commercial fishing license as  
498 provided for in Code Section 27-4-110 and, when a boat is used, a valid commercial  
499 fishing boat license as provided in Code Section 27-2-8. Master collecting permits and  
500 pickers' permits shall not be issued to persons who have been convicted three times in the  
501 two years immediately preceding the filing of an application for a permit of violations of  
502 this Code section, subsection (b) of Code Section 27-4-193, subsections (a) and (b) of  
503 Code Section 27-4-195, or Code Section 27-4-199. Master collecting permits and  
504 pickers' permits issued to master collecting permittees' agents shall be surrendered to the  
505 department upon termination of Department of Agriculture certification for handling  
506 shellfish, upon termination of right to harvest shellfish, or upon violation of any provision  
507 of this title. If a picker is removed from authorization to take shellfish by the master  
508 collecting permittee, that picker shall immediately surrender to the department his  
509 picker's permit. It shall be unlawful to possess unauthorized pickers' permits or pickers'  
510 permits issued to another person.

511 (2) All commercially licensed vessels engaged in commercial shellfish harvest or  
 512 transport, whether with shellfish on board or not, shall have a portable marine toilet on  
 513 board, as the term is defined in Code Section 52-7-3."

514 **SECTION 28.**

515 Said title is further amended by revising subsection (a) of Code Section 27-4-194, relating  
 516 to minimum size of oysters which may be taken for commercial or noncommercial purposes,  
 517 as follows:

518 "(a)(1) It shall be unlawful to take any oysters for noncommercial purposes when the  
 519 shells of the oysters measure less than three inches from hinge to mouth, except that  
 520 oysters less than three inches from hinge to mouth may be removed if attached to an  
 521 oyster of that minimum size and the oyster so attached cannot be removed without  
 522 destroying the three-inch oyster.

523 (2) It shall be unlawful to take any oysters for commercial purposes when the shells of  
 524 the oysters measure less than two inches from hinge to mouth, except that oysters less  
 525 than two inches from hinge to mouth may be removed if attached to an oyster of that  
 526 minimum size and the oyster to which it is so attached cannot be removed without  
 527 destroying the two-inch oyster.

528 (3) It shall ~~also~~ be unlawful for any person engaged in shucking or canning oysters for  
 529 market to shuck, can, purchase, or have in possession any quantity of oysters containing  
 530 more than 5 percent of oysters of prohibited size as defined in this Code section. Smaller  
 531 oysters may be taken incidentally with such minimum-size oysters when they are directly  
 532 attached to the minimum-size oysters. Oysters of prohibited size as defined in this Code  
 533 section may be taken or possessed if prior written approval has been obtained from the  
 534 department and such approval is on the person of the harvester or person in possession  
 535 of the oyster."

536 **SECTION 29.**

537 Chapter 7 of Title 52, relating to registration, operation, and sale of watercraft, is amended  
 538 by revising Code Section 52-7-26, relating to the penalty for violations relative to  
 539 registration, operation, and sale of watercraft generally, as follows:

540 "52-7-26.

541 Except as otherwise provided in this article, any person who violates this article or any rule  
 542 or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes of  
 543 establishing criminal violations of the rules and regulations promulgated by the Board of  
 544 Natural Resources as provided in this article, the term 'rules and regulations' shall mean

545 those rules and regulations of the Board of Natural Resources in force and effect on  
546 January 1, 2012."

547 **SECTION 30.**

548 Said chapter is further amended in Code Section 52-7-51, relating to the penalty for  
549 violations relative to the display of watercraft information, by revising subsection (a) as  
550 follows:

551 "(a) Any person who violates this article or any rules and regulations issued hereunder  
552 shall be guilty of a misdemeanor. For purposes of establishing criminal violations of the  
553 rules and regulations promulgated by the Board of Natural Resources as provided in this  
554 article, the term 'rules and regulations' shall mean those rules and regulations of the Board  
555 of Natural Resources in force and effect on January 1, 2012."

556 **SECTION 31.**

557 Sections 1, 29, and 30 of this Act shall become effective upon its approval by the Governor  
558 or upon its becoming law without such approval. The remaining sections of this Act shall  
559 become effective on January 1, 2013.

560 **SECTION 32.**

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