

House Bill 172 (AS PASSED HOUSE AND SENATE)

By: Representatives Lumsden of the 12<sup>th</sup>, Powell of the 32<sup>nd</sup>, Hitchens of the 161<sup>st</sup>, Caldwell of the 131<sup>st</sup>, Tanner of the 9<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to the registration, operation, and sale of watercraft,  
3 so as to allow for the operation of certain watercraft without a personal flotation device on  
4 board; to revise the types of vessels that are applicable to the operation of watercraft while  
5 under the influence of alcohol, toxic vapors, or drugs; to provide for definitions; to provide  
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

9 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to  
10 general provisions relative to the registration, operation, and sale of watercraft, is amended  
11 by revising subsection (d) of Code Section 52-7-8, relating to classification of vessels and  
12 required equipment, as follows:

13 "(d) **Lifesaving devices.**

14 (1) Every vessel shall be equipped with and carry aboard, at all times, at least one Type  
15 I, II, III, or V (hybrid) personal flotation device for each person on board; provided,  
16 however, that Type V (hybrid) devices are acceptable only when worn and securely  
17 fastened. In addition to the individual personal flotation device, each vessel 16 feet or  
18 more in length, except for canoes and kayaks, must at all times be equipped with at least  
19 one Type IV (throwable) device.

20 (2) No person may use a vessel upon the waters of this state unless the personal flotation  
21 devices as required in paragraph (1) of this subsection are readily accessible to the  
22 occupants of the vessel, are in good and serviceable condition, are legibly marked with  
23 the United States Coast Guard approved number, and are of an appropriate size for the  
24 occupants of the vessel for whom they are intended; provided, however, that the  
25 provisions of this subsection shall not apply to racing sculls, racing shells, ~~and~~ racing  
26 sweeps, or homemade or inflatable rafts, as defined in subsection (o) of Code Section

27 52-7-12, if such rafts are operated no more than 100 feet from shore on a lake, pond, or  
28 other nonflowing body of water.

29 (3) No person shall operate a moving vessel upon the waters of this state with a child  
30 under the age of 13 years on board such vessel unless such child is wearing an  
31 appropriately sized personal flotation device, as required by this subsection to be on  
32 board the vessel. This requirement shall not apply when the child is within a fully  
33 enclosed roofed cabin or other fully enclosed roofed compartment or structure on the  
34 vessel."

35 **SECTION 2.**

36 Said article is further amended by revising subsection (o) of Code Section 52-7-12, relating  
37 to the operation of watercraft while under the influence of alcohol, toxic vapors, or drugs, as  
38 follows:

39 "(o) As used in this Code section, the term '~~personal watercraft~~':

40 (1) 'Homemade or inflatable raft' means any platform which floats on the water for  
41 purposes of providing buoyancy to a person and which renders transportation with only  
42 the aid of such person's hands, arms, legs, or feet.

43 (2) 'Personal watercraft' shall have the same meaning as set forth in Code Section  
44 52-7-8.2.

45 (3) 'Vessel' means every description of watercraft, other than a sailboard or homemade  
46 or inflatable raft, used or capable of being used as a means of transportation on water."

47 **SECTION 3.**

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