

House Bill 207 (COMMITTEE SUBSTITUTE)

By: Representatives Rhodes of the 124th, Corbett of the 174th, Ridley of the 6th, Williams of the 148th, and LaHood of the 175th

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 registration, operation, and sale of watercraft, so as
3 to provide for the carrying of night visual distress signals upon coastal waters of this state
4 during certain hours; to provide for the carrying of such signals by vessels of a certain size;
5 to provide for duty of operator upon involvement in an accident, collision, or other casualty;
6 to provide for contents of accident reports; to update the reference date to department rules
7 and regulations relating to criminal violations relating to registration, operation, and sale of
8 watercraft; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

15 "(e) All vessels, when operated upon the coastal waters of the state between the hours of
16 sunset and sunrise shall carry the United States Coast Guard approved night visual distress

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17 signal. If a pyrotechnic visual distress signal is carried, a minimum of three unexpired
18 visual distress signals shall be carried in the vessel. Pyrotechnic night visual distress
19 signals are handheld red flare distress signals, parachute red flare distress signals with
20 launcher, hand-held ~~rocket-propelled~~ rocket propelled parachute red flare distress signals,
21 or red aerial pyrotechnic flare. Nonpyrotechnic nighttime visual distress signals include
22 one electric distress light meeting the standards of 46 C.F.R. Subpart 161.013. One electric
23 distress light shall meet the nighttime requirement.

24 (f) All vessels, except recreational vessels that are less than 16 feet in length,
25 nonmotorized open sailboats that are less than 26 feet in length, and manually propelled
26 vessels, when operated upon the coastal waters of the state between the hours of sunrise
27 and sunset shall carry the United States Coast Guard approved daytime visual distress
28 signals. Pyrotechnic daytime visual distress signals include all night visual distress signals,
29 as well as floating orange smoke distress signals and hand-held orange smoke distress
30 signals. Nonpyrotechnic daytime visual distress signals include an orange flag meeting the
31 standards of 46 C.F.R. Subpart 160.072. One orange flag shall meet the daytime only
32 requirement."

33 SECTION 2.

34 Said article is further amended by revising Code Section 52-7-14, relating to collisions,
35 accidents, and casualties and salvage rights, as follows:

36 "52-7-14.

37 (a) **Duty to render assistance and identify vessel and self.** ~~It shall be the duty of the~~
38 ~~operator of a vessel involved in a collision, accident, or other casualty, so far as he can do~~
39 ~~so without serious danger to his own vessel, crew, and passengers, to render to other~~
40 ~~persons affected by the collision, accident, or other casualty such assistance as may be~~
41 ~~practicable and as may be necessary in order to save them from or minimize any danger~~
42 ~~caused by the collision, accident, or other casualty and also to give his name, address, and~~

43 ~~identification of his vessel in writing to any person injured and to the owner of any~~
44 ~~property damaged in the collision, accident, or other casualty.~~

45 (1) The operator of any vessel involved in an accident, collision, or other casualty shall
46 immediately stop such vessel at the scene of the accident, collision, or other casualty or
47 shall stop as close thereto as possible and forthwith return to the scene and shall:

48 (A) Give his or her name and address and the registration of the vessel he or she is
49 operating to the person struck, the operator or passenger of the vessel collided with, or
50 any person attending to the vessel struck;

51 (B) Upon request and if it is available, exhibit his or her driver's license or government
52 issued identification to the person struck, the operator or passenger of the vessel
53 collided with, or any person attending to the vessel struck;

54 (C) Render to any person injured in accident, collision, or other casualty reasonable
55 assistance, so far as he or she can do so without serious danger to his or her own vessel,
56 crew, and passengers, including the transporting, or the making of arrangements for the
57 transporting, of such person to a physician, surgeon, or hospital for medical or surgical
58 treatment if it is apparent that such treatment is necessary or if such transporting is
59 requested by the injured person; and

60 (D) When a person involved in such accident, collision, or other casualty is
61 unconscious, appears deceased, is otherwise unable to communicate, or has
62 disappeared, immediately notify emergency medical services and local law enforcement
63 of the accident, collision, or other casualty and give his or her name and address and the
64 registration of the vessel he or she is operating for the purpose of reporting the accident,
65 collision, or other casualty and making a request for assistance.

66 (2) The vessel operator shall, in every event, shall remain at the scene of the accident,
67 collision, or other casualty until fulfilling the requirements of this subsection; provided,
68 however, that when the operator is unable to notify emergency medical services or local

69 law enforcement from the scene, the operator shall be authorized to leave the scene in
70 order to make such notification after fulfilling the other requirements of this subsection.

71 (3) When an accident, collision, or other casualty is the proximate cause of death,
72 disappearance, or injury that requires medical treatment, any person who knowingly fails
73 to stop and comply with the requirements of this subsection shall be guilty of a felony
74 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor
75 more than five years.

76 (b) **Good Samaritan clause.** Any person complying with subsection (a) of this Code
77 section who gratuitously and in good faith renders assistance at the scene of a ~~vessel~~
78 ~~collision~~; an accident, collision, or other casualty ~~without the objection of any person~~
79 ~~assisted~~; shall not be held liable for any civil damages as a result of the rendering of
80 assistance or for any act of assistance in providing or arranging salvage towage, medical
81 treatment, or other assistance if the assisting person acts as a reasonably prudent ~~man~~
82 individual would have acted under the same or similar circumstances.

83 (c) **Accident reports required.**

84 ~~(1) All boating accidents must be reported to the department within 48 hours of the~~
85 ~~accident if:~~

86 ~~(A) A person dies within 24 hours as a result of the accident;~~

87 ~~(B) A person is disabled for more than 24 hours;~~

88 ~~(C) A person requires medical treatment for injuries;~~

89 ~~(D) A person disappears from a vessel.~~

90 ~~(2) Reports of reportable boating accidents must be made within five days if not earlier~~
91 ~~required by paragraph (1) of this subsection.~~

92 ~~(3) Accident reports must be on forms supplied by the department, which must be filled~~
93 ~~out in their entirety and dated and signed by the person submitting the report. Such~~
94 ~~reports shall be filed by the operator or, if no operator, by the owner of any vessel~~
95 ~~involved in the boating accident. If the operator or owner is incapable of making the~~

- 96 ~~report, the investigating officer shall submit the report. Reports must contain at a~~
97 ~~minimum the following information:~~
- 98 ~~(A) The name, address, and telephone number of each operator of each vessel~~
99 ~~involved;~~
 - 100 ~~(B) The number and name of each vessel involved;~~
 - 101 ~~(C) The name, address, and telephone number of each owner of each vessel involved;~~
 - 102 ~~(D) The name of the nearest city or town, the county, the state, and the body of water~~
103 ~~on which the accident occurred;~~
 - 104 ~~(E) The location of the accident on the water;~~
 - 105 ~~(F) The time and date of the accident;~~
 - 106 ~~(G) Visibility, weather, and water conditions;~~
 - 107 ~~(H) The age, date of birth, vessel operating experience, and boat safety training of the~~
108 ~~operator making the report;~~
 - 109 ~~(I) The number of persons on board or towed on skis by each vessel;~~
 - 110 ~~(J) The name, address, and date of birth of each person fatally injured;~~
 - 111 ~~(K) The cause of death of each;~~
 - 112 ~~(L) The name and address of each owner of property, other than vessels or boats,~~
113 ~~involved;~~
 - 114 ~~(M) The availability and use of personal flotation devices;~~
 - 115 ~~(N) The type of fire extinguisher used;~~
 - 116 ~~(O) The nature and extent of each injury resulting from the accident;~~
 - 117 ~~(P) A description of all property and vessel damage within an estimated cost of repairs;~~
 - 118 ~~(Q) A description of any equipment failures that caused or contributed to the accident;~~
 - 119 ~~(R) A description of the accident;~~
 - 120 ~~(S) An opinion of the cause of the accident; and~~

121 ~~(T) The make, model, type, hull identification number, beam width, length, horsepower~~
122 ~~and type of motor, and hull material of the reporting operator's vessel, and the year it~~
123 ~~was built.~~

124 ~~(4)(A)(1)~~ As used in this paragraph, the term 'medical facility' means any licensed
125 general or specialized hospital, institutional infirmary, public health center, or diagnostic
126 and treatment center. The term also includes, without being limited to, any building or
127 facility, not under the operation or control of a hospital, which is primarily devoted to the
128 provision of surgical treatment to patients not requiring hospitalization and which is
129 classified by the Department of Community Health as an ambulatory surgical treatment
130 center.

131 ~~(B)(2)~~ Any:

132 ~~(i)(A)~~ Physician, including any doctor of medicine licensed to practice under the laws
133 of this state;

134 ~~(ii)(B)~~ Licensed registered nurse employed by a medical facility;

135 ~~(iii)(C)~~ Security personnel employed by a medical facility; or

136 ~~(iv)(D)~~ Other personnel employed by a medical facility whose employment duties
137 involve the care and treatment of patients therein

138 having cause to believe that a patient has had physical injury or injuries inflicted upon
139 him or her as a result of a reportable boating accident or accident, collision, or other
140 casualty shall report or cause reports to be made in accordance with this paragraph.

141 ~~(E)(3)~~ An oral report shall be made immediately by telephone or otherwise and shall be
142 followed by a report in writing, if requested, to the person in charge of the medical
143 facility or his or her designated delegate. The person in charge of the medical facility or
144 his or her designated delegate shall then notify the local law enforcement agency having
145 primary jurisdiction in the area in which the medical facility is located of the contents of
146 the report. The report shall contain the name and address of the patient, the nature and
147 extent of the patient's injuries, and any other information that the reporting person

148 believes might be helpful in establishing the cause of the injuries and the identity of the
149 perpetrator.

150 ~~(D)~~(4) Notwithstanding any other provision of law, copies of medical records relating
151 to the treatment of such patient shall be furnished to the investigatory law enforcement
152 officer of the department, or any local, state, or federal law enforcement agency upon
153 receipt of a written request or subpoena issued by such law enforcement agency or the
154 prosecuting attorney having jurisdiction over such accident, collision, or other casualty.
155 Such medical records shall be handled in a manner which assures the confidentiality of
156 such records.

157 ~~(E)~~(5) Any person or persons participating in the making of a report or causing a report
158 to be made to the appropriate police authority pursuant to this paragraph or participating
159 in any judicial proceeding or any other proceeding resulting therefrom shall in so doing
160 be immune from any civil liability that might otherwise be incurred or imposed,
161 providing such participation pursuant to this paragraph shall be in good faith.

162 (d) **Salvage rights.** Any person who fails to salvage any vessel within 12 months after its
163 sinking shall forfeit his or her ownership to the vessel and thereafter any person may
164 salvage and claim the vessel.

165 (e) **Official authority.** Any officer empowered to enforce this article shall have the
166 authority to stop, board, and detain any vessel involved in a reportable boating accident or
167 accident, collision, or other casualty and to continue the detention of such vessel if
168 necessary for evidentiary purposes for such reasonable period of time as such necessity
169 continues."

170 **SECTION 3.**

171 Said article shall be further amended in Code Section 52-7-26, relating to penalty, by revising
172 subsection (a) as follows:

173 "(a) Except as otherwise provided in this article, any person who violates this article or any
174 rule or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes
175 of establishing criminal violations of the rules and regulations promulgated by the board
176 as provided in this article, the term 'rules and regulations' means those rules and regulations
177 of the board in force and effect on January 1, ~~2022~~ 2023."

178 **SECTION 4.**

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