

House Bill 869

By: Representatives Lane of the 167th, Knight of the 126th, Burns of the 157th, Wilkinson of the 52nd, and Stephens of the 164th

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 change certain provisions relating to fishing with bow and arrow; to repeal certain
10 provisions relating to sport shad fishing; to change certain provisions relating to the
11 designation of trout waters; to allow for the commercial fishing of American eels, catfish in
12 salt water, and horseshoe crabs; to repeal certain provisions relating to commercial eel
13 fishing; to change certain provisions relating to lawful fishing devices generally; to repeal
14 certain provisions relating to lawful methods of commercial salt-water fishing generally; to
15 repeal certain provisions relating to lawful commercial salt-water fishing gear generally; to
16 repeal certain provisions relating to use of purse seines; to repeal certain provisions relating
17 to commercial catfishing; to change certain provisions relating to required records; to change
18 certain provisions relating to factors governing decision to open or close salt waters; to repeal
19 certain provisions relating to open seasons, creel, possession, and minimum size limits for
20 certain finfish species; to repeal prohibition on taking or possessing Atlantic billfish; to
21 repeal certain provisions relating to zoning of salt waters; to authorize the board to
22 promulgate regulations relating to fishing for shrimp for noncommercial purposes; to allow
23 for fishing for jellyfish; to repeal certain provisions relating to sport bait shrimping; to repeal
24 certain provisions relating to bait shrimp dealers; to repeal certain provisions relating to
25 protections for horseshoe crabs; to change certain provisions relating to master collecting and
26 pickers' permits; to change certain provisions relating to minimum size of oysters which may
27 be taken for commercial or noncommercial purposes; to amend Chapter 7 of Title 52 of the
28 Official Code of Georgia Annotated, relating to the registration, operation, and sale of

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

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **SECTION 1.**

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

37 "27-1-39.

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

42 **SECTION 2.**

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

44 "27-2-20.1.

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

51 **SECTION 3.**

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

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

61 27-4-37, and as authorized in Code Section 27-4-91 with regard to commercial fresh-water
62 fishing.

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

67 **SECTION 4.**

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

70 "27-4-7.

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

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

87 **SECTION 5.**

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

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

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

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

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

157 **SECTION 6.**

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

160 "27-4-12.

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

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

167 **SECTION 7.**

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

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

174 **SECTION 8.**

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

177 **SECTION 9.**

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

180 "27-4-50.

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

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

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

189 **SECTION 10.**

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

192 "27-4-71.

193 (a) It shall be unlawful to fish commercially for shad, American eels, catfish in salt water,
 194 or horseshoe crabs except with a valid commercial fishing license as prescribed in Code
 195 Section 27-2-23 and a valid commercial fishing boat license as prescribed in Code Section
 196 27-2-8. In accordance with current, sound principles of wildlife research and management,

197 the commissioner may authorize any person so licensed to fish for shad, American eels,
 198 catfish in salt water, or horseshoe crabs.

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

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

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

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

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

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

223 **SECTION 11.**

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

226 **SECTION 12.**

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

229 "27-4-91.

230 (a) Except as otherwise provided by law or regulation, it shall be unlawful for any person
 231 engaged in commercial fresh-water fishing in this state to use any gear other than trotlines,

232 baskets in accordance with Code Section 27-4-92, turtle traps, or shad nets in accordance
 233 with Code Section 27-4-71, ~~and sturgeon nets~~, to which have been attached a tag bearing
 234 the name, address, and commercial fishing license number of the person using any such
 235 gear.

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

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

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

255 **SECTION 13.**

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

259 **SECTION 14.**

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

263 **SECTION 15.**

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

266 **SECTION 16.**

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

269 **SECTION 17.**

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

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

278 **SECTION 18.**

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

282 "27-4-130.

283 (a) The commissioner shall have the power to close all or any portion of the salt waters of
284 this state to commercial and noncommercial fishing by species for a period not to exceed
285 six months within a calendar year. Any determination to close the salt waters pursuant to
286 this subsection or to reopen such waters shall be made in accordance with current, sound
287 principles of wildlife research and management.

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

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

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

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

300 **SECTION 19.**

301 Said title is further amended by repealing in their entirety Code Sections 27-4-130.1 and
 302 27-4-130.2, relating to open seasons, creel and possession limits, and minimum size limits
 303 for certain finfish species and prohibitions and exceptions relative to taking or possessing
 304 Atlantic billfish, respectively.

305 **SECTION 20.**

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

308 **SECTION 21.**

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

311 "(a) In accordance with current, sound principles of wildlife research and management, the
 312 board is authorized to promulgate rules and regulations establishing the seasons, days, and
 313 places; methods of fishing and disposition; and size, creel, and possession limits for
 314 noncommercial fishing for shrimp. Except as otherwise provided by law, it shall be
 315 unlawful to fish for shrimp for noncommercial purposes in the salt waters of the State of
 316 Georgia except by means of a bait shrimp cast net, food shrimp cast net, a beach seine of
 317 a length and mesh size authorized for use in salt waters by subsection (d) of Code Section
 318 ~~27-4-112~~, or a ten-foot net in accordance with Code Section ~~27-4-170~~ established by the
 319 board. The determination of whether to open or close a river or creek or a portion thereof
 320 for fishing for shrimp shall be made by the commissioner in accordance with current, sound
 321 principles of wildlife research and management."

322 **SECTION 22.**

323 Said title is further amended by revising subsections (c), (e), and (f) of Code Section
 324 27-4-133, relating to lawful nets, opening and closing waters, and identification on boats
 325 fishing for shrimp, as follows:

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

330 "(e) Nothing contained in this Code section shall be construed to prohibit any person from
 331 fishing in the salt waters of this state for shrimp to be used or sold for live bait pursuant to
 332 Code Sections ~~27-4-170~~ and Section 27-4-171, provided that it shall be unlawful to fish for

333 shrimp for bait with any trawl equipment which has been used to fish for shrimp pursuant
334 to this Code section.

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

346

SECTION 23.

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

349 "(a) Each boat, propulsion unit, net, door, boom, winch, cable, electronic device, or
350 accessory equipment used in violation of Code Section 27-4-133, ~~27-4-170~~, or 27-4-171
351 is declared to be contraband and forfeited to the state and shall be confiscated and seized
352 by any peace officer, who shall impound it in the name of the district attorney whose circuit
353 includes the county in which a seizure is made. The district attorney whose circuit includes
354 the county in which a seizure is made, within 30 days after the seizure of any such
355 equipment, shall institute proceedings by petition in the superior court of any county where
356 the seizure was made against the property so seized and against any and all persons having
357 an interest in or right affected by the seizure or sale of the equipment. A copy of the
358 petition shall be served upon the owner or lessee of the equipment, if known, and upon the
359 person having custody or possession of the equipment at the time of the confiscation or
360 seizure. If the owner, lessee, or person having custody or possession of the equipment at
361 the time of seizure is unknown, notice of such proceedings shall be published once a week
362 for two consecutive weeks in the newspaper in which sheriff's advertisements of the county
363 are published. Such publication shall be deemed notice to any and all persons having an
364 interest in or right affected by such proceedings and any sale of the equipment resulting
365 therefrom. If no defense or intervention shall be filed within 30 days from the filing of the
366 petition, judgment by default shall be entered by the court; otherwise, the case shall
367 proceed as other civil cases. Should it appear upon the trial of the case or upon default that
368 such equipment was used in violation of the Code sections heretofore cited in this

369 subsection, the equipment shall be sold by order of the court after such advertisement as
 370 the court may direct. The proceeds arising from the sale shall be applied:

- 371 (1) To the payment of proper costs and expenses, including expenses incurred in the
 372 seizure;
- 373 (2) To the payment of the costs of the court and its officers;
- 374 (3) To the payment of any costs incurred in the storage, advertisement, maintenance, or
 375 care of such property; and
- 376 (4) If any money remains, to the general funds of the county."

377 **SECTION 24.**

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

380 **SECTION 25.**

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

383 "24-7-171.

384 (a)(1) It shall be unlawful for any person to fish for shrimp for live bait to be sold, to
 385 engage in the sale of shrimp for live bait, or to engage in the sale of shrimp for dead bait
 386 unless the person has a bait dealer license and possesses a valid personal commercial
 387 fishing license as provided in Code Section 27-2-23 or is an employee of a licensed bait
 388 dealer and possesses a valid personal commercial fishing license as provided in Code
 389 Section 27-2-23. No bait dealer license shall be issued to a person holding a commercial
 390 food shrimp cast netting license issued pursuant to Part 5 of this article. Any license
 391 issued pursuant to this Code section shall be invalid immediately upon the holder's
 392 obtaining such a commercial food shrimp cast netting license. No bait dealer license
 393 shall be issued for an individual whose establishment is located on any dock or other
 394 facility, including platforms, walkways, and buildings, which is one contiguous unit and
 395 where shrimp taken pursuant to Code Section 27-4-133 are processed, stored, or sold for
 396 retail purposes.

397 (2) In addition to complying with subsection (b) of this Code section, any applicant for
 398 a bait dealer license must first file with the commissioner a forfeiture bond in the form
 399 prescribed by the department, executed by a bonding, surety, or insurance company
 400 licensed to do business in this state, in favor of the state in the amount of \$2,000.00,
 401 conditioned upon the faithful compliance by the person and all his or her employees with
 402 all the laws and regulations relating to the taking, possession, and sale of bait shrimp,
 403 provided that a cash forfeiture bond in like amount may be substituted in lieu of the

404 commercial bond provided for in this Code section. The term of the bond shall be one
 405 year and shall correspond to the period of the bait dealer license, which shall be from
 406 April 1 to March 31. The bond shall be in addition to the commercial fishing boat
 407 license, where applicable, required by Code Section 27-2-8 and in addition to the
 408 personal commercial fishing license required by this Code section. Notation of execution
 409 of the bond shall be stamped or endorsed on the applicant's bait dealer license.

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

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

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

420 (A) Hold a valid commercial food shrimp cast netting license issued pursuant to Part
 421 5 of this article or to employ any person holding such a commercial food shrimp cast
 422 netting license;

423 (B) Fish for shrimp pursuant to this Code section in closed waters. All salt waters of
 424 this state shall be closed to fishing for shrimp pursuant to this Code section, except
 425 those rivers or creeks or portions thereof opened to such taking. The determination of
 426 whether to open or close a river or creek or portion thereof shall be made by the
 427 commissioner in accordance with current, sound principles of wildlife research and
 428 management; and

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

431 (b) It shall be unlawful for any person to sell or otherwise dispose of, for human
 432 consumption, any shrimp caught pursuant to this Code section or to possess such shrimp
 433 for the purpose of sale or other distribution for human consumption or personally to
 434 consume such shrimp. Possession of shrimp with heads off shall be prima-facie evidence
 435 that the shrimp are to be sold for human consumption or are personally to be consumed.
 436 Possession of more than 20 quarts of unlabeled, unpackaged, or unfrozen heads-on shrimp
 437 shall be prima-facie evidence that such shrimp are to be used for human consumption or
 438 are personally to be consumed.

439 (c) This Code section shall not prohibit the interstate import of bait shrimp provided that
 440 a bona fide bill of lading accompanies such shrimp as proof that such shrimp were not

441 taken or transported in violation of this Code section or the laws of the jurisdiction from
 442 which the bait shrimp originated.

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

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

455 **SECTION 26.**

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

459 **SECTION 27.**

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

463 "(a)(1) It shall be unlawful to take or possess shellfish in commercial quantities or for
 464 commercial purposes without first having obtained a master collecting permit or without
 465 proof of purchase that such shellfish were purchased from a certified shellfish dealer.
 466 Master collecting permits shall specify whether the permittee is authorized to take
 467 oysters, clams, or other shellfish and shall only be issued to persons certified by the
 468 Department of Agriculture to handle shellfish unless permission to take and possess
 469 shellfish for mariculture purposes has been granted by the department as described in
 470 subsection (d) of Code Section 27-4-197. Such permits shall be provided annually at no
 471 cost by the department but shall only be issued to persons with the right to harvest
 472 shellfish pursuant to Code Sections 44-8-6 through 44-8-8 or to holders of leases from
 473 such persons. A permittee may request authorization from the department for employees
 474 or agents, who shall be referred to as pickers, of such permittee to take shellfish from
 475 permitted areas. Such request shall be in writing to the department and shall include the

476 name, address, and personal commercial fishing license number of the picker. It shall be
 477 unlawful for pickers to take or possess shellfish as authorized under their employer's
 478 master collecting permit unless they carry on their person while taking or in possession
 479 of shellfish a picker's permit as provided by the department indicating the exact area and
 480 circumstances allowed for taking. Such pickers' permits and charts shall be provided
 481 annually by the department at no cost and shall be in a form as prescribed by the
 482 department. Pickers must possess a valid personal commercial fishing license as
 483 provided for in Code Section 27-4-110 and, when a boat is used, a valid commercial
 484 fishing boat license as provided in Code Section 27-2-8. Master collecting permits and
 485 pickers' permits shall not be issued to persons who have been convicted three times in the
 486 two years immediately preceding the filing of an application for a permit of violations of
 487 this Code section, subsection (b) of Code Section 27-4-193, subsections (a) and (b) of
 488 Code Section 27-4-195, or Code Section 27-4-199. Master collecting permits and
 489 pickers' permits issued to master collecting permittees' agents shall be surrendered to the
 490 department upon termination of Department of Agriculture certification for handling
 491 shellfish, upon termination of right to harvest shellfish, or upon violation of any provision
 492 of this title. If a picker is removed from authorization to take shellfish by the master
 493 collecting permittee, that picker shall immediately surrender to the department his
 494 picker's permit. It shall be unlawful to possess unauthorized pickers' permits or pickers'
 495 permits issued to another person.

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

499 **SECTION 28.**

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

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

508 (2) It shall be unlawful to take any oysters for commercial purposes when the shells of
 509 the oysters measure less than two inches from hinge to mouth, except that oysters less
 510 than two inches from hinge to mouth may be removed if attached to an oyster of that

511 minimum size and the oyster to which it is so attached cannot be removed without
 512 destroying the two-inch oyster.

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

521 **SECTION 29.**

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

525 "52-7-26.

526 Except as otherwise provided in this article, any person who violates this article or any rule
 527 or regulation promulgated hereunder shall be guilty of a misdemeanor. For purposes of
 528 establishing criminal violations of the rules and regulations promulgated by the Board of
 529 Natural Resources as provided in this article, the term 'rules and regulations' shall mean
 530 those rules and regulations of the Board of Natural Resources in force and effect on
 531 January 1, 2012."

532 **SECTION 30.**

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

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

541 **SECTION 31.**

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

545

SECTION 32.

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