

Senate Bill 469

By: Senators Harper of the 7th, Ginn of the 47th, Davenport of the 44th, Jackson of the 41st,  
Brass of the 28th and others

**AS PASSED SENATE**

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 of registration, operation, and sale of watercraft, so as to  
3 require certain watercraft to have day and night visual distress signals on board when on  
4 coastal waters of Georgia; to provide for definitions; to require certain types of lifesaving  
5 devices on watercraft; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to  
10 general provisions of registration, operation, and sale of watercraft, is amended by revising  
11 paragraphs (18) and (26) of Code Section 52-7-3, relating to definitions, as follows:

12 "(18) 'Personal flotation device' means any lifesaving device classified and approved as  
13 ~~Type I, Type II, Type III, Type IV, or Type V (Hybrid)~~ by the regulations of the  
14 commandant of the United States Coast Guard."

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15 "(26) 'Visual distress signal' means a device that is approved and required by the  
16 commandant of the United States Coast Guard for the purpose of indicating a vessel in  
17 distress, including flares, smoke signals, and nonpyrotechnic signals.

18 (27) 'Waters of this state' means any waters within the territorial limits of this state and  
19 the marginal sea adjacent to this state and the high seas when navigated as a part of a  
20 journey or ride to or from the shore of this state. This definition shall not include  
21 privately owned ponds or lakes not open to the public."

22 **SECTION 2.**

23 Said article is further amended by revising Code Section 52-7-8, relating to classification of  
24 vessels and required equipment, as follows:

25 "52-7-8.

26 (a) **Classification.** Vessels subject to the provisions of this article shall be divided into  
27 four classes as follows:

- 28 (1) Class A ..... Less than 16 feet in length
- 29 (2) Class 1 ..... 16 feet or over and less  
30 than 26 feet in length
- 31 (3) Class 2 ..... 26 feet or over and less  
32 than 40 feet in length
- 33 (4) Class 3 ..... 40 feet or more in length

34 (b) **Lights.** Every vessel in all weathers from sunset to sunrise shall carry and exhibit  
35 lights as provided by regulations of the board.

36 (c) **Whistle or horn.** Every vessel of Class 2 or 3 shall be provided with an efficient  
37 whistle or horn or other sound-producing mechanical appliance capable of producing  
38 signals required by the rules for the prevention of collision enacted by Congress.

39 (d) **Visual distress signals.** No person may operate a vessel upon the coastal waters of the  
40 state unless the required visual distress signal, including flares, smoke signals, and

41 nonpyrotechnic signals, in the number required and of the type approved by the United  
42 States Coast Guard, are on board.

43 (e) All vessels, when operated between the hours of sunset and sunrise shall carry the  
44 United States Coast Guard approved night visual distress signal. If a pyrotechnic visual  
45 distress signal is carried, a minimum of three unexpired visual distress signals shall be  
46 carried in the vessel. Pyrotechnic night visual distress signals are handheld red flare  
47 distress signals, parachute red flare distress signals with launcher, hand-held  
48 rocket-propelled parachute red flare distress signals, or red aerial pyrotechnic flare.  
49 Nonpyrotechnic nighttime visual distress signals include one electric distress light meeting  
50 the standards of 46 C.F.R. Subpart 161.013. One electric distress light shall meet the  
51 nighttime requirement.

52 (f) All vessels, except recreational vessels that are less than 16 feet in length,  
53 nonmotorized open sailboats that are less than 26 feet in length, and manually propelled  
54 vessels, when operated between the hours of sunrise and sunset shall carry the United  
55 States Coast Guard approved daytime visual distress signals. Pyrotechnic daytime visual  
56 distress signals include all night visual distress signals as well as floating orange smoke  
57 distress signals and hand-held orange smoke distress signals. Nonpyrotechnic daytime  
58 visual distress signals include an orange flag meeting the standards of 46 C.F.R.  
59 Subpart 160.072. One orange flag shall meet the daytime only requirement.

60 (g) For the purposes of this Code section, coastal waters shall be limited to those waters  
61 defined in 33 C.F.R. Section 175.105(b).

62 **(h) Lifesaving devices.**

63 (1) Every vessel shall be equipped with and carry aboard, at all times, at least one  
64 Type I, II, III, or V (hybrid) personal flotation device classified and approved by the  
65 regulations of the commandant of the Coast Guard for each person on board; ~~provided,~~  
66 ~~however, that Type V (hybrid) devices are acceptable only when worn and securely~~  
67 ~~fastened.~~ In addition to the individual personal flotation device, each vessel 16 feet or

68 more in length, except for canoes and kayaks, must at all times be equipped with at least  
69 one ~~Type IV (throwable)~~ throwable device classified and approved by the regulations of  
70 the commandant of the Coast Guard.

71 (2) No person may use a vessel upon the waters of this state unless the personal flotation  
72 devices as required in paragraph (1) of this subsection are readily accessible to the  
73 occupants of the vessel, are in good and serviceable condition, are legibly marked with  
74 the United States Coast Guard approved number, and are of an appropriate size for the  
75 occupants of the vessel for whom they are intended; provided, however, that the  
76 provisions of this subsection shall not apply to racing sculls, racing shells, racing sweeps,  
77 or homemade or inflatable rafts, as defined in subsection (o) of Code Section 52-7-12, if  
78 such rafts are operated no more than 100 feet from shore on a lake, pond, or other  
79 nonflowing body of water.

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

86 ~~(e)~~**(i) Fire extinguishers.**

87 (1) Every mechanically propelled Class A and Class 1 vessel, constructed so as to have  
88 enclosed areas which permit entrapment of gases or vapors, shall carry aboard one Type  
89 B-I United States Coast Guard approved hand portable fire extinguisher unless there is  
90 a United States Coast Guard approved fixed fire-extinguishing system installed in the  
91 machinery space. When such a fixed fire-extinguishing system is installed in the  
92 machinery space, no hand portable fire extinguisher will be required.

93 (2) Every mechanically propelled Class 2 vessel, regardless of construction, shall carry  
94 aboard two Type B-I or one Type B-II United States Coast Guard approved hand portable

95 fire extinguisher. When a United States Coast Guard approved fixed fire-extinguishing  
96 system is installed in the machinery space, one less Type B-I hand portable fire  
97 extinguisher is required.

98 (3) Every mechanically propelled Class 3 vessel, regardless of construction, shall carry  
99 aboard three Type B-I or one Type B-I and one Type B-II United States Coast Guard  
100 approved hand portable fire ~~extinguisher~~ extinguishers. When a United States Coast  
101 Guard approved fixed fire-extinguishing system is installed in the machinery space, one  
102 less Type B-I hand portable fire extinguisher is required.

103 (4) The carriage of any dry stored pressure fire extinguishers not fitted with pressure  
104 gauges or indicating devices or any vaporizing liquid fire extinguishers containing carbon  
105 tetrachloride, chlorbomethane, or any other toxic vaporizing liquids is prohibited.

106 (5) The carriage of any United States Coast Guard approved hand portable fire  
107 extinguisher or any fixed fire extinguishing system which is not fully charged shall be  
108 prohibited.

109 ~~(f)~~(j) **Equipment exemptions in authorized races.** Subsections (c) and ~~(e)~~(i) of this Code  
110 section shall not apply to vessels while competing in any race conducted pursuant to Code  
111 Section 52-7-19 or, if such vessels are designed and intended solely for racing, while  
112 engaged in such navigation as is incidental to the tuning up of the boats and engines for the  
113 race.

114 ~~(g)~~(k) **Flame arrester for carburetor.** Every vessel shall have the carburetor or  
115 carburetors of every engine therein, except outboard motors using gasoline as fuel,  
116 equipped with an efficient United States Coast Guard approved flame arrester, backfire  
117 trap, or other similar device.

118 ~~(h)~~(l) **Ventilation.** Every such vessel, except open boats, using as fuel any liquid of a  
119 volatile nature, shall be provided with means for properly and efficiently ventilating the  
120 bilges of the engine and fuel tank compartments so as to remove any explosive or  
121 flammable gases.

122 ~~(i)~~(m) **Rules and regulations.** No person shall operate or give permission for the  
123 operation of a vessel which is not equipped as required by this article or the rules and  
124 regulations of the department made pursuant thereto.

125 ~~(j)~~(n) **Sale of personal flotation devices.** It shall be unlawful for any person to sell or  
126 offer for sale within this state any personal flotation device which is not United States  
127 Coast Guard approved unless such device is clearly marked as follows: 'Notice: This  
128 personal flotation device is not United States Coast Guard approved.'

129 ~~(k)~~(o) **Definition.** As used in this Code section, the term 'personal flotation device' shall  
130 not include flotation devices such as plastic toys, rafts, and other devices used for  
131 recreational purposes in or around swimming pools, lakes, or beaches when such devices  
132 are easily recognizable as not being designed or intended for use as lifesaving devices.

133 ~~(h)~~(p) **Penalty.** Any person who violates this Code section shall be guilty of a  
134 misdemeanor."

135

### SECTION 3.

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