

House Bill 195

By: Representatives Ridley of the 22nd, Ridley of the 6th, Horner of the 3rd, Tarvin of the 2nd,
Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 52-7-25 of the Official Code of Georgia Annotated, relating to
2 enforcement of rules and regulations regarding registration, operation, and sale of watercraft,
3 so as to require probable cause for summonses and boarding vessels; to provide for related
4 matters; to provide for a short title; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 This Act shall be known and may be cited as the "Constitutional Rights for Hunters and
8 Boaters Act."

9 **SECTION 2.**

10 Code Section 52-7-25 of the Official Code of Georgia Annotated, relating to enforcement of
11 rules and regulations regarding registration, operation, and sale of watercraft, is amended by
12 revising subsection (a) and paragraphs (4) and (4.1) of subsection (b) as follows:

13 "(a) Any person empowered to enforce this article and any rule or regulation adopted
14 pursuant hereto who finds or has probable cause to believe that a law of this state or any
15 rule or regulation of the board has been violated shall have the authority to stop and board

16 any vessel subject to this article or any such regulation for the purpose of inspection or
17 determining compliance with this article and is empowered to issue a summons for
18 appearance in court or before a magistrate for all violations of this article or of the rules and
19 regulations prescribed hereunder. Vessels of law enforcement personnel shall be marked
20 to identify them as designated enforcement vessels."

21 "(4) To board vessels in use, for purposes of examining any documents and safety
22 equipment, and to search without warrant any vessel which is not at its regular mooring
23 or berth when ~~he believes~~ probable cause exists that any law of this state or any rule or
24 regulation of the ~~Board of Natural Resources board~~ relating to boating has been violated;
25 (4.1) To board vessels in use or floating, whether moored or not, for purposes of
26 examining any marine toilets, holding tanks, and documents related to them, including
27 records of pump-out and certificates of compliance, and to search without warrant any
28 such vessel to determine compliance with the provisions of this article related to marine
29 toilets when ~~the officer believes~~ probable cause exists that any of said provisions of this
30 article relating to marine toilets have been violated;"

31 **SECTION 3.**

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