

House Bill 526

By: Representatives Ridley of the 22<sup>nd</sup>, Reeves of the 99<sup>th</sup>, Horner of the 3<sup>rd</sup>, Clark of the 100<sup>th</sup>, Miller of the 62<sup>nd</sup>, 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 a short  
4 title; to provide for related matters; 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.