

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

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 provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

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

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

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

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

21 **SECTION 2.**

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

24 "52-7-8.

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

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

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

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

38 (d) **Visual distress signals.** No person may operate a vessel upon the coastal waters of the
 39 state unless the required visual distress signal, including flares, smoke signals, and
 40 nonpyrotechnic signals, in the number required and of the type approved by the United
 41 States Coast Guard, are on board.

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

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

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

61 **(h) Lifesaving devices.**

62 (1) Every vessel shall be equipped with and carry aboard, at all times, at least one
63 Type I, II, III, or V (hybrid) personal flotation device for each person on board; provided,
64 however, that Type V (hybrid) devices are acceptable only when worn and securely
65 fastened. In addition to the individual personal flotation device, each vessel 16 feet or
66 more in length, except for canoes and kayaks, must at all times be equipped with at least
67 one Type IV (throwable) device.

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

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

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

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

90 (2) Every mechanically propelled Class 2 vessel, regardless of construction, shall carry
91 aboard two Type B-I or one Type B-II United States Coast Guard approved hand portable
92 fire extinguisher. When a United States Coast Guard approved fixed fire-extinguishing
93 system is installed in the machinery space, one less Type B-I hand portable fire
94 extinguisher is required.

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

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

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

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

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

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

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

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

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

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

132

SECTION 3.

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