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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

SECTION 2.

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

"52-7-8.

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

1. **Class A** .................................................. Less than 16 feet in length
2. **Class 1** .................................................. 16 feet or over and less than 26 feet in length
3. **Class 2** .................................................. 26 feet or over and less than 40 feet in length
4. **Class 3** .................................................. 40 feet or more in length

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

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

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

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

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

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

(h) Lifesaving devices.

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

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

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

(e)(i) Fire extinguishers.

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

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

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

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

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

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

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

(h)(l) Ventilation. Every such vessel, except open boats, using as fuel any liquid of a
volatile nature, shall be provided with means for properly and efficiently ventilating the
bilges of the engine and fuel tank compartments so as to remove any explosive or
flammable gases.
Rules and regulations. No person shall operate or give permission for the operation of a vessel which is not equipped as required by this article or the rules and regulations of the department made pursuant thereto.

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

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

Penalty. Any person who violates this Code section shall be guilty of a misdemeanor.

SECTION 3.

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