

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 316:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated,
2 relating to abandoned vessels, so as to remove the requirement of notification to the Georgia
3 Bureau of Investigation and the Georgia Crime Information Center; to eliminate the
4 requirement to place information regarding abandoned vessels into the National Crime
5 Information Center network; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to
10 abandoned vessels, is amended by revising subsections (e) and (h) through (l) of Code
11 Section 52-7-71, relating to the removal and storage of abandoned vessels, as follows:

12 "(e) If the person identified as the owner fails to redeem such vessel as described in
13 subsection (d) of this Code section, or if a vessel being repaired by a repair facility or being
14 stored by an insurance company providing insurance to cover damages to the vessel
15 becomes abandoned, the person removing or storing such vessel shall, within seven
16 calendar days of the day such vessel became an abandoned vessel, give notice in writing,
17 by sworn statement, to the Department of Natural Resources ~~and the Georgia Bureau of~~
18 ~~Investigation~~, stating the vessel certificate of number, the hull identification number, the
19 fact that such vessel is an abandoned vessel, the model, year, and make of the vessel, if
20 known or if readily ascertainable, the date the vessel became an abandoned vessel, the date
21 the vessel was removed, and the present location of such vessel and requesting the name
22 and address of all owners, lessors, lessees, security interest holders, and lienholders of such
23 vessel. If a person removing or storing the vessel has knowledge of facts which reasonably
24 indicate that the vessel is registered or titled in a certain other state, such person shall check
25 the vessel records of that other state in the attempt to ascertain the identity of the owner of
26 the vessel."

27 ~~"(h) Information forwarded to the Georgia Bureau of Investigation as required by this Code~~
 28 ~~section shall be placed by the bureau on the National Crime Information Center Network.~~
 29 ~~(i)(h)~~ Any person storing a vessel under the provisions of this Code section shall notify the
 30 Department of Natural Resources ~~and the Georgia Bureau of Investigation~~ if the vessel is
 31 recovered, is claimed by the owner, is determined to be stolen, or is for any reason no
 32 longer an abandoned vessel. Such notice shall be provided within seven calendar days of
 33 such event.

34 ~~(j)(i)~~ If vessel information on the abandoned vessel is not in the files of the Department
 35 of Natural Resources, the department may require such other information or confirmation
 36 as it determines is necessary or appropriate to determine the identity of the vessel.

37 ~~(k)(j)~~ Any person who does not provide the notice and information required by this Code
 38 section shall not be entitled to any storage fees.

39 ~~(l)(k)~~ Any person who knowingly provides false or misleading information when
 40 providing any notice or information as required by this Code section shall be guilty of a
 41 misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor."

42 SECTION 2.

43 Said article is further amended by revising subsection (d) of Code Section 52-7-72, relating
 44 to the authority of peace officers to remove unattended vessels, as follows:

45 "(d)(1) Any peace officer who finds a vessel under such conditions as described in
 46 subsection (a) or (b) of this Code section shall within 72 hours from the time of such
 47 finding:

48 (A) Notify the Department of Natural Resources ~~and the Georgia Crime Information~~
 49 ~~Center~~ of the description of the vessel, whether the vessel has been removed or not,
 50 and, if removed, the location to which such vessel has been removed; and

51 (B) If available on the Georgia Crime Information Center ~~Network~~ network, determine
 52 the name and address of the last known registered owner of such vessel.

53 If vessel information is not in the files of the Department of Natural Resources, the
 54 department may require such other information or confirmation as it determines is
 55 necessary or appropriate to determine the identity of the vessel.

56 (2) If any such vessel is determined to be a stolen vessel, the local law enforcement
 57 officer or agency shall notify the Georgia Crime Information Center and the owner, if
 58 known, of the location of such vessel within 72 hours after receiving notice that such
 59 vessel is a stolen vessel.

60 (3) If the vessel is removed and the name and address of the last known registered owner
 61 of the vessel is obtained from the Georgia Crime Information Center, the peace officer
 62 who causes the vessel to be removed shall, within three calendar days of removal, make

63 available to the person removing such vessel the name and address of the last known
64 registered owner of such vessel. If such information is not available, the peace officer
65 shall, within three calendar days of removal, notify the person removing or storing such
66 vessel of such fact."

67 **SECTION 3.**

68 Said article is further amended by revising subsection (a) of Code Section 52-7-72.1, relating
69 to penalty for failing to remove unattended vessel, as follows:

70 "(a)(1) If any vessel for which the Department of Natural Resources ~~and the Georgia~~
71 ~~Crime Information Center have~~ has received notice pursuant to subsection (d) of Code
72 Section 52-7-72 has not been removed and is determined not to be a stolen vessel, the
73 commissioner may proceed to take action against the owner as provided by this Code
74 section.

75 (2) If any vessel for which the Department of Natural Resources ~~and the Georgia Crime~~
76 ~~Information Center have~~ has received notice pursuant to subsection (d) of Code Section
77 52-7-72 has been removed, the provisions of this Code section shall not apply and the
78 provisions of Code Section 52-7-71 shall apply instead."

79 **SECTION 4.**

80 Said article is further amended by revising Code Section 52-7-76, relating to certificate of
81 title, as follows:

82 "52-7-76.

83 The purchaser at a sale as authorized in this article shall receive a certified copy of the
84 court order authorizing such sale. Any such purchaser may obtain a certificate of ~~title~~
85 number to such vessel by filing the required application, paying the required fees, and
86 filing a certified copy of the order of the court with the Department of Natural Resources.
87 ~~The Department of Natural Resources shall then issue a certificate of title, which shall be~~
88 ~~free and clear of all liens and encumbrances."~~

89 **SECTION 5.**

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