

ENROLLED SENATE
BILL NO. 713

BY: ROZELL of the SENATE

and

CULVER of the HOUSE

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING
63 O.S. 1991, SECTIONS 4002, 4003, 4004, 4005,
4007, 4008, 4009, 4012, 4013, 4015, 4016, 4017,
4028, 4029, 4030, 4031, 4032, 4033, 4034, 4036,
4039.1, 4041, 4043, 4044, 4101, 4104, 4105, 4200,
4201, 4202, 4205, 4206, 4207, 4208, 4209, 4210,
4211, 4212, 4213, 4214, 4217 AND 4218, WHICH RELATE
TO THE OKLAHOMA VESSEL AND MOTOR REGISTRATION ACT,
OKLAHOMA VESSEL AND MOTOR EXCISE TAX ACT AND THE
OKLAHOMA BOATING SAFETY REGULATION ACT; MODIFYING
DEFINITIONS; REQUIRING CERTAIN VESSELS BE
REGISTERED WITHIN CERTAIN TIME PERIOD AND PROVIDING
EXCEPTIONS; MODIFYING CERTAIN DUTIES OF THE
OKLAHOMA TAX COMMISSION; AUTHORIZING CERTAIN PEACE
OFFICERS TO ENFORCE PROVISIONS OF THE OKLAHOMA
VESSEL AND MOTOR REGISTRATION ACT; MODIFYING FILING
REQUIREMENTS; MODIFYING EXCEPTIONS TO TITLE AND
REGISTRATION REQUIREMENTS; ALLOWING DISCLOSURE OF
CERTAIN INFORMATION TO DULY AUTHORIZED PEACE
OFFICERS; REQUIRING THAT APPLICATION FOR
CERTIFICATE OF TITLE BE UPON CERTAIN FORM;
REQUIRING CERTAIN INSPECTION BEFORE HOMEMADE
VESSELS ARE ISSUED IDENTIFICATION NUMBERS; DEFINING
TERM; GRANTING DEPARTMENT OF PUBLIC SAFETY CERTAIN
ADDITIONAL AUTHORITY AND JURISDICTION; REQUIRING
DEPARTMENT OF PUBLIC SAFETY TO PRESCRIBE CERTAIN

FORMS; PROHIBITING CERTAIN ACTIONS; PROVIDING FOR DELIVERY OF CERTIFICATION OF REGISTRATION TO APPLICANT; REQUIRING HOMEMADE VESSELS TO COMPLY WITH CERTAIN PROVISIONS; REQUIRING COMPLETION OF LIEN ENTRY FORM UNDER CERTAIN CIRCUMSTANCES; REQUIRING INCLUSION OF CERTAIN STATEMENT ON CERTIFICATE OF TITLE; DECLARING CERTAIN LIEN OR ENCUMBRANCE TO BE CONTINUOUSLY PERFECTED; AUTHORIZING CERTAIN FEE; DELETING REQUIREMENT RELATED TO CERTAIN FORMS; MODIFYING CERTAIN TIME PERIOD; REQUIRING CERTIFIED COPY OF SECURITY INTEREST RELEASE; REQUIRING APPLICATION FOR REGISTRATION WITHIN CERTAIN TIME PERIOD; MODIFYING CERTIFICATE REQUIREMENTS; REQUIRING DEALER'S BILL OF SALE AND OFFICIAL REGISTRATION FOR VESSELS AND CERTAIN OUTBOARD MOTORS BE AVAILABLE FOR INSPECTION; REQUIRING OWNERS OF CERTAIN OUTBOARD MOTORS TO FURNISH CERTAIN REGISTRATION INFORMATION; REQUIRING OUTBOARD MOTOR REGISTRATION CERTIFICATE BE LEGIBLE AND AVAILABLE FOR INSPECTION; DELETING OUTDATED LANGUAGE; SPECIFYING CERTAIN TIME PERIOD; MODIFYING ITEMS REQUIRED TO BE DISPLAYED ON DOCUMENTED VESSEL; REQUIRING CERTAIN DOCUMENTED VESSELS TO DISPLAY CERTAIN INFORMATION; REQUIRING CERTAIN VESSELS TO DISPLAY PERMANENT NUMBER; MODIFYING LIST OF VESSELS REQUIRED TO DISPLAY CERTAIN NUMBER; MODIFYING CONTENTS OF CERTAIN REQUIRED RECORD; REQUIRING OWNER OF BOAT LIVERY TO COMPLY WITH CERTAIN ACT; MODIFYING LIST RELATING TO PROOF OF BONA FIDE DEALER STATUS; ALLOWING VESSEL DEALER TO DOCK VESSELS FOR SALE AT HIS MARINA; DEFINING TERM; MODIFYING CONDITIONS UNDER WHICH

OFF-PREMISES SALES ACTIVITIES ARE CONDUCTED;
PROVIDING FOR CERTAIN EXCEPTION TO PERMIT
REQUIREMENT; STATING WHEN VESSEL OR MOTOR SHALL BE
CONSIDERED NEW FOR DEMONSTRATION PURPOSES;
REQUIRING DEPARTMENT OF PUBLIC SAFETY TO PRESCRIBE
CERTAIN FORMS; DELETING CERTAIN AUTHORITY OF GRAND
RIVER DAM AUTHORITY; ALLOWING CERTAIN ENTITIES TO
AUTHORIZE SANCTIONED EVENTS ON WATERS UNDER THEIR
JURISDICTION; ALLOWING CERTAIN ENTITIES TO
PROMULGATE CERTAIN RULES; PROHIBITING THE HOLDING
OF SANCTIONED EVENTS WITHOUT WRITTEN PERMIT;
REQUIRING WRITTEN PERMIT BE AVAILABLE FOR
INSPECTION; REQUIRING FILING OF WRITTEN
NOTIFICATION WHEN SANCTIONED EVENT IS PROPOSED AND
STATING CONTENTS; PROHIBITING SANCTIONED EVENT
UNDER CERTAIN CIRCUMSTANCES; ALLOWING PEACE OFFICER
AUTHORITY TO CANCEL OR TERMINATE CERTAIN EVENT;
MODIFYING CIRCUMSTANCES WHEN PERSONAL FLOTATION
DEVICES ARE REQUIRED; DESCRIBING PERSONAL FLOTATION
DEVICE; DELETING LANGUAGE RELATING TO CLASS OF
VEHICLES; MODIFYING STANDARDS RELATING TO LIGHTS
AND EQUIPMENT; PROVIDING EXCEPTIONS TO CERTAIN
SECTION; PROHIBITING CERTAIN ACTIONS; PROVIDING FOR
PENALTIES; ALLOWING PLACEMENT OF RESTORATION OF
CERTAIN IDENTIFICATION NUMBER AND STATING SUCH
IDENTIFICATION NUMBER IS NOT FALSIFIED; STATING
CERTAIN UNLAWFUL ACTS; MODIFYING CERTAIN PROHIBITED
ACTS; REQUIRING CERTAIN ACTIONS OF VESSEL OPERATORS
UPON APPROACH OF AUTHORIZED EMERGENCY VESSELS;
PROHIBITING OVERLOADING OF VESSELS; MAKING CERTAIN
VIOLATIONS CONSTITUTE NEGLIGENT ACT; STATING
PARAMETERS OF NEGLIGENT HOMICIDE AND PROVIDING

PENALTY; PROHIBITING VARIOUS ACTIONS AND PROVIDING PENALTIES ALLOWING PEACE OFFICER TO REQUEST ASSISTANCE TO STOP VIOLATORS; AUTHORIZING ANY PEACE OFFICER TO ASSIST IN STOPPING VIOLATORS AND TO EFFECT AN ARREST UPON PROBABLE CAUSE; REQUIRING CAREFUL AND PRUDENT SPEED IN OPERATION OF VESSEL; MODIFYING PROVISIONS RELATING TO DIVING OR SUBMERSION, FLOTATION DEVICES, SWIMMERS, CERTAIN RECREATIONAL TOWING VESSELS AND PERSONAL WATERCRAFT; PROHIBITING PLACEMENT OR DISPOSAL OF MARINE SEWAGE IN ANY STATE WATERS; MODIFYING REGULATIONS RELATED TO MARINE TOILETS; REQUIRING PASSENGERS OF VESSEL TO RENDER AID IN CERTAIN CIRCUMSTANCES; MODIFYING AMOUNT OF CASUALTY DAMAGE REQUIRED BEFORE FILING FULL DESCRIPTION WITH DEPARTMENT OF PUBLIC SAFETY; MODIFYING CONDITIONS UNDER WHICH CERTAIN WRITTEN REPORT IS REQUIRED; MODIFYING PROVISIONS RELATING TO ABANDONMENT OR REMOVAL OF VESSELS; STATING PENALTIES FOR GENERAL VIOLATIONS OF ACT; REPEALING 21 O.S. 1991, SECTIONS 1207 AND 1289.14, WHICH RELATE TO OPERATION OF BOATS OR WATERCRAFT WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AND TRANSPORTING OR DISCHARGING FIREARM FROM BOAT; REPEALING 63 O.S. 1991, SECTIONS 4010, 4011, 4203, 4220, 4220.1, 4220.2, 4220.3 AND 4220.4, WHICH RELATE TO THE OKLAHOMA VESSEL AND MOTOR REGISTRATION ACT, THE OKLAHOMA BOATING SAFETY REGULATION ACT AND THE PERSONAL WATERCRAFT SAFETY ACT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4002, is amended to read as follows:

Section 4002. As used in the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title:

1. "Boat livery" means a business establishment engaged in renting or hiring out vessels for profit;

2. "Certificate of documentation" means a document issued by the United States Coast Guard which is legal proof of ownership of a vessel;

3. "Certificate of registration" means a document which is legal proof of registration of a vessel or motor;

4. "Certificate of title" means a document which is proof of legal ownership of a vessel and/or motor;

5. "Commission" means the Oklahoma Tax Commission;

6. "Dealer" means any person engaged in the business of selling, trading, renting with option to purchase, or attempting to negotiate or negotiating sales or exchanges of interests in new or used vessels or motors, or new and used vessels or motors, or any combination thereof;

7. "Dealer agreement" means the agreement, authorization or written contract between a manufacturer and distributor and a new vessel dealer which purports to establish the legal rights and obligations of the parties to the agreement, authorization or written contract with regard to the purchase and sale of new vessels or new motors;

8. "Designated successor" means one or more persons nominated by the new vessel dealer, in a written document filed by the dealer with the manufacturer or distributor at the time the dealer agreement is executed, to succeed the dealer in the event of his death or incapacity. If a designated successor is not able to succeed the new vessel dealer because of the designated successor's death or legal incapacity, the dealer shall execute a new document nominating a designated successor within sixty (60) calendar days after the date of the death or incapacity;

9. "Distributor" means a person, resident or nonresident, who in whole or in part offers for sale, sells, or distributes a new vessel or new motor to a new vessel dealer or who maintains a factory representative, resident or nonresident, or who controls a person, resident or nonresident, who in whole or in part offers for sale, sells, or distributes a new vessel or new motor to a new vessel dealer;

10. "Distributor branch" means a branch office similarly maintained by a distributor or wholesaler for the same purposes a factory branch is maintained;

11. "Distributor representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a distributor or distributor branch of vessels or motors, for the purpose of making or promoting the sale of his, its or their vessels or motors, or for supervising or contacting his, its or their dealers or prospective dealers;

12. "Documented vessel" means any vessel in this state which shall have and carry on board the original certificate of documentation in legible form as issued by the United States Coast Guard or federal agency successor thereto. All documented vessels shall be required to display a current State of Oklahoma annual registration decal;

13. "Factory branch" means a branch office maintained by a person, firm, association, corporation or trust who manufactures or assembles vessels or motors for the sale of vessels or motors to distributors, or for the sale of vessels or motors to dealers, or for directing or supervising, in whole or in part, its representatives;

14. "Factory representative" means any person, firm, association, corporation or trust and each officer and employee thereof engaged as a representative of a manufacturer of vessels or motors or by a factory branch, for the purpose of making or promoting the sale of his, its or their vessels or motors, or for supervising or contacting his, its or their dealers or prospective dealers;

15. "Hull identification number" means the serial number affixed to the outside of the hull of a vessel on the upper starboard side (right) corner of the transom (back wall) which is assigned by the manufacturer or the Commission;

16. "Inboard motor" means an internal combustion engine mounted inside a vessel which provides the transfer of power to move a vessel through the water;

17. "Inboard/outboard motor" means an internal combustion engine mounted inside a vessel and an external stern drive attached through the transom of the vessel providing the transfer of power to move the vessel through the water;

18. "John boat" means a narrow, flat bottomed square-ended boat propelled by a pole, paddle or a motor less than ten horsepower;

19. "Lifeboat" means a vessel carried on another vessel in excess of sixty-five (65) feet for use if such other vessel has to be abandoned;

20. "Manufacturer" means a person who manufactures or assembles new vessels or new motors, or a distributor, factory branch, or factory representative;

21. "Motor" means any internal combustion engine mounted at the stern of a vessel or placed inside a vessel which provides the transfer of power to move the vessel through the water;

22. "New vessel dealer" means a person who holds a dealer agreement granted by a manufacturer or distributor for the sale of the manufacturer's or distributor's vessels or motors, who is engaged in the business of purchasing, selling, exchanging, or dealing in new vessels or new motors, and who has an established place of business;

23. "Operate" means to navigate or be in actual physical control of a vessel or otherwise use a vessel or motor;

24. "Outboard motor" means an internal combustion engine capable of being externally mounted at the stern of a vessel which provides the transfer of power to move a vessel through the water;

25. "Owner" means a person, other than a lienholder, having a property interest in or title to a vessel or motor. The term includes a person entitled to the use or possession of a vessel or motor subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

26. "Permanent number" means the distinctive and unique number which the Commission permanently assigns to a vessel, irrespective of any change of ownership of said vessel. The permanent number shall begin with the letters "OK", followed by four numerals, and then followed by two letters;

27. "Person" means a natural person, partnership, corporation, association, trust, estate or other legal entity;

28. "Proposed new vessel dealer" means a person who has an application pending for a new dealer agreement with a manufacturer

or distributor. Proposed new vessel dealer does not include a person whose dealer agreement is being renewed or continued;

29. "Purchase date" means the purchase date on a bill of sale or the date of complete assignment of title by the current owner;

30. "State" means the State of Oklahoma;

31. "State of principal use" means the state where the vessel or motor is used, is to be used, or remains for any period in excess of sixty (60) calendar days;

32. "Vessel" means every device, other than a seaplane on the water, used or capable of being used as a means of transportation on water, including but not limited to personal watercraft; and

33. "Waters of this state" means and includes all waters within the territorial limits of this state except any waters which are owned by a municipality; provided, such phrase shall not mean or include any lake the waters of which are entirely owned by a private person or persons, and to which the public is not permitted access, and which is not a part of the navigable waters of the United States; and provided further such phrase shall not include any lake of one hundred (100) acres or less.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 4003, is amended to read as follows:

Section 4003. A. 1. Except as otherwise provided in Sections 4005 and 4024 of this title, every vessel in this state, irrespective of whether used on waters of this state, is required to be titled within thirty (30) calendar days from the purchase date or from the date the owner becomes a resident of this state and annually registered under the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title. The owner of any such vessel shall file an application as required by the Oklahoma Vessel and Motor Registration Act with the Oklahoma Tax Commission for a certificate of title, a number, and for the annual registration for such vessel on forms prescribed and furnished by the Commission.

2. The provisions of this subsection shall not apply to new vessels in the inventory or stock of licensed dealers for resale which new vessels shall be subject to ad valorem taxation.

3. Said provisions shall apply to and cover all used vessels in the possession and inventory of a dealer except as provided for in Section 4036 of this title.

B. 1. Except as otherwise provided in Sections 4005 and 4024 of this title, every outboard motor in excess of ten (10) horsepower in this state, irrespective of whether used on waters of this state, is required to be titled within thirty (30) calendar days from the purchase date, or from the expiration of registration, or from the date the owner becomes a resident of this state and registered under the provisions of the Oklahoma Vessel and Motor Registration Act.

The owner of any such motor shall file an application as required by the Oklahoma Vessel and Motor Registration Act for a certificate of title and for an annual registration for such vessel on forms prescribed and furnished by the Commission.

2. The provisions of this subsection shall not apply to new motors in the inventory or stock of licensed dealers for resale which such new motors shall be subject to ad valorem taxation.

3. Said provisions shall apply to and cover all used motors in the possession and inventory of a dealer except as provided for in Section 4036 of this title.

C. Any person engaged in the business of selling, trading, renting with option to purchase, or attempting to or negotiating sales or exchanges of interests in new or used vessels or motors, or new and used vessels or motors, or any combination thereof shall be licensed pursuant to Section 4033 of this title.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 4004, is amended to read as follows:

Section 4004. A. It shall be the duty of the Oklahoma Tax Commission, and the Commission is hereby granted authority and jurisdiction to administer the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, with the aid of its motor license agents and all duly authorized peace officers of this state.

B. The Commission is hereby authorized to promulgate all necessary rules and prepare forms and records to enact and enforce the provisions of the Oklahoma Vessel and Motor Registration Act.

C. All duly authorized peace officers of this state are hereby granted authority and jurisdiction to enforce the provisions of and any rules pertaining to the Oklahoma Vessel and Motor Registration Act within their jurisdiction.

D. The Commission shall have the authority in cases of dispute to determine the factory-delivered price of any vessel or motor.

E. The Commission shall periodically cause to be prepared and shall distribute to each authorized motor license agent a manual of procedure containing instructions, directions and guidelines to be followed by all motor license agents in the performance of their duties regarding vessels and motors.

F. All rules promulgated pursuant to the provisions of this act shall comply with Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. In addition to other filing requirements of law, such rules shall be filed with the Commissioner of Public Safety.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 4005, is amended to read as follows:

Section 4005. A. A vessel or motor shall not be required to be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, if:

1. Such vessel or motor is owned by the United States, a state other than the State of Oklahoma, any agency thereof, or any subdivision of the state; provided, however, if such vessel is used for recreational or rental purposes on the waters of this state, said vessel shall be registered and numbered in accordance with this act;

2. Such vessel or motor is owned by a visiting nonresident and is currently registered in another state. Provided that if any such vessel or motor remains in Oklahoma in excess of sixty (60) calendar days, such vessel or motor shall be registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act and the registration fees due thereon from the date of entry into Oklahoma must be paid;

3. Such vessel or motor is from a country other than the United States provided such vessel or motor does not remain in Oklahoma in excess of sixty (60) calendar days;

4. Such vessel is a john boat, provided a john boat shall be required to be titled pursuant to the provisions of Section 4008 of this title;

5. Such vessel is used exclusively and solely as a lifeboat;

6. Such vessel is used exclusively and solely for racing purposes;

7. Such vessel is a commercial flotation device which is issued a permit by the Oklahoma Scenic River Commission pursuant to the provisions of Section 1461 et seq. of Title 82 of the Oklahoma Statutes; provided, a commercial flotation device shall be required to be titled pursuant to the provisions of Section 4008 of this title; or

8. Such vessel is a documented vessel provided such documented vessel shall be required to be registered pursuant to the provisions of Section 4016 of this title.

B. Motors classified as inboard motors shall not be required to be titled or registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

C. All vessels and motors which are owned by the State of Oklahoma, its agencies or departments, or political subdivisions thereof, or which, under the law, would be exempt from direct ad valorem taxation, shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

D. All other vessels shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

SECTION 5. AMENDATORY 63 O.S. 1991, Section 4007, is amended to read as follows:

Section 4007. A. Except as otherwise provided by this section, all information contained in the certificate of title or the registration of any vessel or motor shall be confidential and privileged, subject only to disclosure to the following:

1. Any duly authorized peace officer of this state in the regular course of his duties;
2. Any official person or body of any other state or of the United States, when required in their governmental functions; and
3. Any person or firm, when the Commission is satisfied the request for information is reasonable and is related primarily to boating safety.

B. The Commission or a motor license agent may furnish the holder of a security interest in a specific vessel or motor upon payment of the fee specified by Section 4014 of this title, a copy or certified copy of the certificate of title or registration information for such vessel.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 4008, is amended to read as follows:

Section 4008. Except as otherwise provided in Section 4005 of this title, the owner of every vessel or motor in this state shall possess a certificate of title as proof of ownership of such vessel or motor. Application for a certificate of title, whether an original or duplicate, may be made to the Oklahoma Tax Commission or any motor license agent. When application is made with a motor license agent, the application information shall be transmitted either electronically or by mail to the Commission by the motor license agent. If the application information is transmitted electronically, the motor license agent shall forward the required application along with evidence of ownership, where required, by mail. Where the transmission of application information cannot be performed electronically, the Commission is authorized to provide postage-paid envelopes to motor license agents for the purpose of mailing the application along with evidence of ownership, where required. The Commission shall upon receipt of proper application information issue an Oklahoma certificate of title. Such certificates may be mailed to the applicant. Upon issuance of a certificate of title, the Commission shall provide the appropriate motor license agent with confirmation of such issuance.

SECTION 7. AMENDATORY 63 O.S. 1991, Section 4009, is amended to read as follows:

Section 4009. A. The application for a certificate of title for a vessel and/or an outboard motor shall be upon a form furnished by the Oklahoma Tax Commission and shall contain:

1. A full description of the vessel;
2. The manufacturer's serial or other identification number;
3. The length of the vessel;
4. The date on which first sold by the manufacturer or dealer to the owner;
5. Any distinguishing marks;
6. A statement of the applicant's source of title;

7. Whether the vessel is a documented vessel and the number assigned to such vessel;

8. Any security interest upon said vessel; and

9. Such other information as the Commission may require.

B. To obtain an original certificate of title for a vessel that is being registered for the first time in this state or for a vessel that has not been previously registered in any other state, the applicant shall be required to deliver, as evidence of ownership, a manufacturer's certificate of origin or at the discretion of the Commission a copy of the manufacturer's certificate of origin properly assigned by the manufacturer, distributor, or dealer licensed in this or any other state shown thereon to be the last transferee to the applicant upon a form to be prescribed and approved by the Commission. A manufacturer's certificate of origin shall contain:

1. The manufacturer's serial or other identification number;

2. Date on which first sold by the manufacturer to the dealer;

3. Any distinguishing marks including model and the year same was made;

4. A statement of any security interests upon said vessel; and

5. Such other information as the Commission may require.

C. In the absence of a dealer's or manufacturer's number, the Commission may assign such identifying number to the vessel, which shall be permanently stamped, burned or pressed into or attached onto such vessel.

D. 1. Before a homemade vessel is issued a hull identification number from the Commission, it shall be inspected by a commissioned officer of the Oklahoma Lake Patrol Division of the Department of Public Safety, pursuant to the rules promulgated by the Commissioner of Public Safety. For the purposes of this act, "homemade vessel" means any vessel without a hull identification number.

2. The Department of Public Safety is hereby granted authority and jurisdiction, pursuant to Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, to promulgate, administer and enforce all necessary rules deemed necessary to implement the provisions of this section.

3. The Department of Public Safety shall prescribe all forms deemed necessary to implement the provisions of this section.

E. It shall be unlawful to:

1. Improperly display or fail to display a vessel's hull identification number;

2. Operate or possess a vessel on which the hull identification number has been removed; or

3. Operate or possess a motor on which the serial number has been removed.

F. When registering in this state, a vessel which was titled in another state and which title contains the name of a secured party on the face of the other state certificate of title, the Oklahoma Tax Commission or the motor license agent shall complete a lien entry form as prescribed by said Commission. A statement of the lien or encumbrance shall be included on the Oklahoma certificate of title and the lien or encumbrance shall be deemed continuously perfected as though it had been perfected pursuant to Section 4013 of this title. For completing the lien entry form and recording the security interest on the certificate of title, the Commission or the motor license agent shall collect a fee of Three Dollars (\$3.00) which shall be in addition to other fees provided by the Oklahoma Vessel and Motor Registration Act.

G. Upon payment of all fees and taxes, a certificate of title and certificate of registration shall be delivered to the applicant.

SECTION 8. AMENDATORY 63 O.S. 1991, Section 4012, is amended to read as follows:

Section 4012. A. In the event of the sale or transfer of the ownership of a vessel or motor for which a certificate of title has been issued, the holder of such certificate shall endorse on the back of same a complete assignment thereof with warranty of title in form printed thereon with a statement of all liens or encumbrances on said vessel or motor sworn to before a notary public or some other person authorized by law to take acknowledgments, and deliver same to the purchaser or transferee at the time of delivery to him of such vessel or motor. The purchaser or transferee, unless such person is a bona fide dealer licensed by the State of Oklahoma, shall, within thirty (30) calendar days from the time of delivery to him of such vessel or motor, present the assigned certificate of title to the Oklahoma Tax Commission, or one of its motor license agents, accompanied by the fee required pursuant to Section 4014 of this title, together with any excise tax or registration fee that may be due, whereupon a new certificate of title, shall be issued to the assignee.

B. A licensed dealer shall, on selling or otherwise disposing of a vessel or motor, execute and deliver to the purchaser thereof the certificate of title properly and completely reassigned.

C. Said certificate, when so assigned and returned to the Commission, together with any subsequent assignment or reissue thereof, shall be appropriately filed and indexed so that at all times it will be possible to trace title to the vessel or motor designated therein. Provided, when the ownership of any vessel or motor shall pass by operation of law, the person owning such vessel or motor may, upon furnishing satisfactory proof to the Commission of such ownership, procure a title to said vessel or motor, regardless of whether a certificate of title has ever been issued. Provided, however, all homemade vessels shall first comply with the provisions of subsection D of Section 4009 of this title.

D. The dealer shall execute and deliver to the purchaser bills of sale for all new vessels or new motors sold by him. On presentation of a bill of sale by a dealer for a new vessel or motor sold in this state, accompanied by any fee required by Section 4014 of this title and any excise tax that may be due, a certificate of title shall be issued.

E. Upon proper proof of a lost certificate of title being made to the Commission or one of its motor license agents, accompanied by an application therefor and payment of the fees required by Section 4014 of this title, a duplicate certificate of title shall be issued to said applicant.

SECTION 9. AMENDATORY 63 O.S. 1991, Section 4013, is amended to read as follows:

Section 4013. A. 1. Except for a security interest in vessels or motors held by a dealer for sale or lease, a security interest, as defined in Section 1-201 of Title 12A of the Oklahoma Statutes, in a vessel or motor as to which a certificate of title may be properly issued by the Oklahoma Tax Commission shall be perfected only when a lien entry form prescribed by the Commission, and the existing certificate of title, if any, or application for a certificate of title and manufacturer's certificate of origin or other identification number containing the name and address of the secured party and the date of the security agreement and the required fee are delivered to the Commission or to a motor license agent. The filing and duration of perfection of a security interest, pursuant to the provisions of Title 12A of the Oklahoma Statutes, including, but not limited to, Section 9-302 of Title 12A of the Oklahoma Statutes, shall not be applicable to perfection of security interests in vessels or motors as to which a certificate of title may be properly issued by the Commission, except as to vessels or motors held by a dealer for sale or lease and except as provided in subsection D of this section. In all other respects Title 12A of

the Oklahoma Statutes shall be applicable to such security interests in vessels or motors as to which a certificate of title may be properly issued by the Commission.

2. Whenever a person creates a security interest in a vessel or motor, such person shall surrender to the secured party the certificate of title or the signed application for a new certificate of title, on the form prescribed by the Commission, and the manufacturer's certificate of origin or other identification number. The secured party shall deliver the lien entry form and the required lien filing fee within fifteen (15) calendar days as provided hereafter with certificate of title or the application for certificate of title and the manufacturer's certificate of origin or other identification number to the Commission or to a motor license agent. If the lien entry form, the lien filing fee and the certificate of title or application for certificate of title and the manufacturer's certificate of origin or other identification number are delivered to the Commission or to a motor license agent within fifteen (15) calendar days after the date of the lien entry form, perfection of the security interest shall begin from the date of the execution of the lien entry form, but, otherwise, perfection of the security interest shall begin from the date of the delivery to the Commission or to a motor license agent.

3. Upon the receipt of the lien entry form and the required fees with either the certificate of title or an application for certificate of title and manufacturer's certificate of origin or other identification number, a motor license agent shall, by placement of a clearly distinguishing mark, record the date and number shown in a conspicuous place, on each of these instruments.

4. The certificate of title or the application for certificate of title and manufacturer's certificate of origin or other identification number with the record of the date of receipt clearly marked thereon shall be returned to the debtor together with a notice that the debtor is required to register and pay all additional fees and taxes due within thirty (30) calendar days from the date of purchase of said vessel or motor.

5. Any person creating a security interest in a vessel or motor that has been previously registered in the debtor's name and on which all taxes due the state have been paid shall surrender the certificate of ownership to the secured party. The secured party shall have the duty to record the security interest as provided in this section and shall, at the same time, obtain a new certificate of title which shall show the secured interest on the face of such certificate of title.

6. The lien entry form with the date and assigned number thereof clearly marked thereon shall be returned to the secured party. If the lien entry form is received and authenticated, as herein provided, by a motor license agent, such agent shall make a report thereof to the Commission upon the forms and in the manner as may be prescribed by the Commission.

7. The Commission shall have the duty to record the lien upon the face of the certificate of title issued at the time of registering and paying all fees and taxes due on such vessel or motor.

B. 1. A secured party shall, within seven (7) business days after the satisfaction of such security interest, furnish directly or by mail a release of a security interest to the Commission and mail a copy thereof to the last-known address of the debtor. If the security interest has been satisfied by payment from a licensed used boat dealer to whom the used vessel or motor has been transferred, the secured party shall also, within seven (7) business days after such satisfaction, mail a certified copy of copy number one of the release of security interest to such dealer. If the secured party fails to furnish such release as herein required, the secured party

shall be liable to the debtor for a penalty of One Hundred Dollars (\$100.00) and, in addition, any loss caused to the debtor by such failure.

2. Upon release of a security interest the owner may obtain a new certificate of title omitting reference to the security interest, by submitting to the Commission or to a motor license agent:

- a. a release signed by the secured party, an application for new certificate of title and the proper fees, or
- b. by submitting to the Commission or the motor license agent an affidavit, supported by such documentation as the Commission may require, by the owner on a form prescribed by the Commission stating that the security interest has been satisfied and stating the reasons why a release cannot be obtained, an application for a new certificate of title and the proper fees.

Upon receiving such affidavit that the security interest has been satisfied, the Commission shall issue a new certificate of title eliminating the satisfied security interest and the name and address of the secured parties who have been paid and satisfied.

The words "security interest" when used in the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, do not include liens dependent upon possession.

C. The Commission shall file and index certificates of title so that at all times it will be possible to trace a certificate of title to the vessel or motor designated therein, identify the lien entry form, and the names and addresses of secured parties, or their assignees, so that all or any part of such information may be made readily available to those who make legitimate inquiry of the Commission as to the existence or nonexistence of security interest in the vessel or motor.

D. Any security interest in a vessel or motor properly perfected prior to the effective date of this act may be continued as to its effectiveness or duration as provided by subsection (3) of Section 9-401 and subsection (3) of Section 9-403 of Title 12A of the Oklahoma Statutes, or may be terminated, assigned or released as provided by Sections 9-404, 9-405 and 9-406 of Title 12A of the Oklahoma Statutes, as fully as if this section had not been enacted, or, at the option of the secured party, may also be perfected under this section, and, if so perfected, the time of perfection under this section shall be the date said security interest was originally perfected under the prior law. Upon request of the secured party, the debtor or any other holder of the certificate of title shall surrender said certificate of title to the secured party and shall do such other acts as may be required to perfect said security interest under this section.

SECTION 10. AMENDATORY 63 O.S. 1991, Section 4015, is amended to read as follows:

Section 4015. Except as otherwise provided by Sections 4005 and 4024 of this title, every owner of a vessel or motor possessing a certificate of title shall make an application for the registration of such vessel or motor with the Oklahoma Tax Commission or with a motor license agent within thirty (30) calendar days from the purchase date, or from the expiration of registration, or from the date the owner becomes a resident of this state. The application shall contain such information as shall be required by the Commission pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

SECTION 11. AMENDATORY 63 O.S. 1991, Section 4016, is amended to read as follows:

Section 4016. A. Every owner of a vessel, when making application for registration, shall furnish the following information:

1. A full description of the vessel including the manufacturer's serial or other identification number, the manufacturer's factory delivered price, and the total delivered price of said vessel;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vessel is to be registered resides;

3. The county of location of the vessel; and

4. Such other information as may be prescribed by the Commission.

B. Upon the filing of a registration application for a vessel and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, the Oklahoma Tax Commission shall issue the owner of the vessel a certificate of registration and assign a permanent number for the vessel described in the application. The permanent number shall be recorded on the annual registration certificate covering such vessel. The permanent number shall be displayed upon the vessel as required by Section 4030 of this title.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used vessels, prior to receipt of the certificate of registration, the dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration, the official registration receipt from the Commission or a motor license agent shall be available for inspection at all times.

SECTION 12. AMENDATORY 63 O.S. 1991, Section 4017, is amended to read as follows:

Section 4017. A. Every owner of an outboard motor in excess of ten (10) horsepower, when making application for registration, shall furnish the following information:

1. A full description of the motor including the manufacturer's serial or other identification number, the manufacturer's factory delivered price, and the total delivered price of said motor;

2. The correct name and address, the name of the city, county and state in which the person in whose name the motor is to be registered resides;

3. The county of location of such motor; and

4. Such other information as may be prescribed by the Oklahoma Tax Commission.

B. Upon the filing of a registration application for a motor and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, the Commission shall issue the owner of the motor a certificate of registration.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used motors, prior to receipt of the certificate of registration, the dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration, the official registration receipt from the Commission or a motor license agent shall be available for inspection at all times.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 4028, is amended to read as follows:

Section 4028. All titling and registration fees, taxes and penalties collected by the Oklahoma Tax Commission pursuant to the provisions of Sections 4014 and 4021 of this title shall be apportioned as provided in Section 1104 of Title 47 of the Oklahoma Statutes.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 4029, is amended to read as follows:

Section 4029. A. If the Oklahoma Tax Commission shall determine at any time that an applicant for a certificate of title of or registration for a vessel or motor is not entitled thereto, it may refuse to issue such certificate or to register such vessel or motor. The Commission may for a similar reason, after ten (10) calendar days' notice and a hearing, revoke the certificate of title and registration already acquired. Said notice may be served in person or by registered mail.

B. In addition, in every case where a vessel or motor has been titled or registered upon an application containing any false statement of a fact required in this section to be shown in an application for the title or registration thereof, the Commission shall give written notice of at least ten (10) calendar days to the owner of the vessel or motor and shall require the owner to appear before it for the purpose of showing cause why said title or registration should not be canceled. Unless satisfactory explanation is given by the owner concerning such false statement, the Commission shall cancel the title or registration. The owner of the vessel or motor shall then be required to immediately retitle or reregister the vessel or motor and pay the required fees. The owner shall not be entitled to refund or credit for the fees paid for titling and registration of the vessel or motor made under the application which contained any false statement of fact.

C. The Commission shall insert in said application forms appropriate notice to the applicant that any false statement of a fact required to be shown in such application for title or registration subjects the applicant to prosecution.

SECTION 15. AMENDATORY 63 O.S. 1991, Section 4030, is amended to read as follows:

Section 4030. A. Except as otherwise provided by this section, every vessel on the waters of this state shall display the permanent number assigned to it by the Oklahoma Tax Commission which number shall not be obliterated, erased, mutilated, removed or missing.

B. The vessels authorized to display a number other than that required by the provisions of the Oklahoma Vessel and Motor Registration Act are:

1. A documented vessel, provided that such vessel is currently registered, is displaying a current registration decal, and the name, hailing port and official federal documentation number assigned to it are displayed on the vessel according to federal law or federal rules and regulations;

2. A vessel from a country other than the United States temporarily using the waters of this state;

3. A vessel from another state owned by an out-of-state resident using the waters of this state;

4. A vessel whose owner is the United States, a state or a subdivision thereof; provided, however, if such vessel is used for recreational or rental purposes on the public waters of this state, said vessel shall display the permanent number assigned to it by the Commission;

5. A vessel that is used exclusively and solely for racing purposes;

6. A vessel that is used exclusively and solely as a lifeboat; and

7. A commercial flotation device which is assigned a permit by the Oklahoma Scenic Rivers Commission pursuant to the provisions of Sections 1461 et seq. of Title 82 of the Oklahoma Statutes.

C. The owner of any vessel issued a permanent number pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, shall place on or attach to each side of the bow of the vessel said permanent number in such manner

as may be prescribed by the rules of the Commission, in order that it may be clearly visible. The number shall be maintained in legible condition.

SECTION 16. AMENDATORY 63 O.S. 1991, Section 4031, is amended to read as follows:

Section 4031. A. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel, the identification number of such vessel, the number of occupants of said vessel, the departure date and time, and the expected date and time of return. The record shall be preserved for at least six (6) months.

B. Neither the owner of a boat livery nor his agent or employee shall permit any vessel to be operated or to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to the Oklahoma Boating Safety Regulation Act and any rules promulgated thereto.

C. The owner of a boat livery shall be required to comply with the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

SECTION 17. AMENDATORY 63 O.S. 1991, Section 4032, is amended to read as follows:

Section 4032. A. It shall be unlawful for any person to:

1. lend or to sell to, or knowingly permit the use of by one not entitled thereto, any certificate of title or registration issued to or in the custody of the person so lending or permitting the use thereof;

2. alter or in any manner change a certificate of title or registration certificate issued under the laws of this or any other state;

3. procure from another state or country or display upon any vessel owned by him within this state, except as otherwise provided by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, any number issued by any state or country other than this state, unless there shall be displayed upon such vessel at all times the permanent number assigned to it by the Commission;

4. buy, sell or dispose of, or have in his possession for sale, use or storage, any secondhand or used vessel or motor on which the registration fee has not been paid, as required by law, and on which vessel or motor said person neglects, fails or refuses to display at all times the permanent number assigned to it;

5. register a vessel or motor on an assigned certificate of title. This particular paragraph shall be applicable to all persons except bona fide dealers who are holders of current and valid dealers' licenses;

6. operate a vessel or motor upon the waters of this state after the registration deadline for that vessel or motor without a proper title and registration, as prescribed by the Oklahoma Vessel and Motor Registration Act, for the current year;

7. release a certificate of title or excise tax receipt to any unauthorized person or source, including any dealer. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Commission; or

8. alter or in any manner change a permanent number issued for a vessel under the laws of this state or any other state.

Anyone violating the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed Fifty Dollars (\$50.00) for each such violation.

B. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the title or registration of one or more vessels or motors shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars

(\$1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or both such fine and imprisonment.

C. A violation of this section and any of the provisions of Sections 4002 through 4031 of this title where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00).

D. In addition thereto, it is specifically provided that any person stating or giving or causing to be stated or given any false information as to the location of any vessel or motor shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

SECTION 18. AMENDATORY 63 O.S. 1991, Section 4033, is amended to read as follows:

Section 4033. A. It shall be unlawful for any person to engage in the business of selling, or to serve in the capacity of, or act as a dealer of new or used vessels, or motors, or new and used vessels, and motors or any combination thereof in this state without first obtaining a license therefor as provided for by the Oklahoma Vessel and Motor Registration Act. Any person having more than one location where such business is carried on or conducted shall be required to obtain and hold a current license for each such location.

B. 1. Dealer licenses issued pursuant to this section shall be issued only to persons that prove to the satisfaction of the Oklahoma Tax Commission that they are clearly recognizable as bona fide dealers. Proof of bona fide dealer status shall include, but need not be limited to, the following:

- a. Maintenance of a display area capable of regularly displaying at least three vessels or motors, or a minimum of one thousand two hundred (1,200) square feet, indoors or outdoors,
- b. Annual sales of substantial numbers of new or used vessels or motors. "Substantial sales" normally means sale of five or more vessels or motors unless the applicant can show unusual circumstances justifying lesser sales,
- c. Consistent identification of the business as a dealer or mercantile establishment in advertising, signs, telephone book listings, and the like. The dealership must be clearly identifiable as such by any person who visits or deals with it,
- d. Location of dealership in areas where zoning permits such sales and commercial operations,
- e. Regular hours of operation from May 1 to September 1, inclusive, at least five (5) days per week, and
- f. a picture, upon application for a new license, of the business location which includes the selling lot and the office and business sign.

2. The Oklahoma Tax Commission shall issue a license to sell new vessels or motors only to those persons having a dealer agreement to sell new vessels or new motors in this state.

C. 1. Applications for licenses required to be obtained pursuant to the provisions of this section shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to such applicants, and shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicant to receive the license requested. The Commission

shall require in such application, or otherwise, information relating to:

- a. the applicant's financial standing,
- b. the applicant's business integrity,
- c. whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license or licenses have been requested,
- d. whether the applicant is able to properly conduct the business for which a license or licenses have been requested, and
- e. such other pertinent information consistent with the safeguarding of the public interest and the public welfare.

All such applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule set out in Section 4034 of this title.

2. In the event any such application is denied and the license for which requested is not issued, the entire license fee shall be returned to the applicant.

3. All licenses issued under the provisions of the Oklahoma Vessel and Motor Registration Act shall expire on December 31 following the date of issue and shall be nontransferable. All applications for renewal of a license issued pursuant to the provisions of this section shall be submitted by December 1 of each year, and such license will be issued by January 1. If applications have not been made for renewal of licenses by December 31 of each year it shall be illegal for any person to sell or to serve in the capacity or act as a dealer. If after January 31 of each year the license has not been renewed or the renewal paid, then such licensee shall be required to apply for a license as a new applicant. Motor vehicle license agents will be notified not to accept such dealers' titles until such time as licenses have been issued by the Commission. Provided, however, such dealers may transfer titles to vessels or motors purchased for resale prior to the expiration of their license. Such dealer shall provide the purchaser with a copy of the invoice showing purchase of the vessel or motor prior to the expiration of the dealer's license. Such transfers shall only be allowed within two (2) years of the license expiration.

D. Application for a dealer's license must show that such dealer has not violated any of the provisions of this section.

E. The Oklahoma Tax Commission may require every person licensed as a dealer, pursuant to the provisions of this subsection, to make a report to the Commission within a period of seven (7) days after the transfer by such person of the legal ownership of every vessel or motor upon a form prescribed and furnished by the Commission, showing the name and address of the purchaser, a description of the vessel or motor, including but not limited to the make, model, year made, permanent vessel number or motor number, as the case might be, the date of the transfer and such other information as the Commission may require, and containing a certificate signed by the seller that the purchaser was given notice at the time of the sale or transfer that the purchaser is required by law to obtain a certificate of title for such vessel or motor from the Commission within thirty (30) calendar days after such sale or transfer. The Commission may cancel or suspend, in the manner provided by law, the license of any person licensed as a dealer pursuant to the provisions of this section who fails or refuses to comply with the provisions of this section. Dealers failing to comply with provisions of this section shall be responsible for all taxes due on such sales or on such vessels or motors.

F. The license of each dealer shall be posted in a conspicuous place in the dealer's place or places of business.

G. 1. A new dealer's license authorizes a dealer to transfer, purchase and sell new and used vessels and motors.

2. A used dealer's license authorizes a dealer to transfer, purchase and sell used vessels and motors.

3. A new dealer's license or a used dealer's license authorizes a dealer to transfer and assign titles and purchase new and used vessels and motors without paying excise tax.

H. Any dealer agreement executed or renewed on and after the effective date of this act shall comply with the provisions of the Oklahoma Vessel and Motor Registration Act.

SECTION 19. AMENDATORY 63 O.S. 1991, Section 4034, is amended to read as follows:

Section 4034. The schedule of license fees to be charged and received by the Oklahoma Tax Commission for the licenses issued pursuant to Section 4033 of this title shall be as follows:

1. For the license issued initially to each dealer of new vessels or new motors, the fee shall be Two Hundred Dollars (\$200.00) per location licensed. In addition to the license fee, a Ten Dollar (\$10.00) fee per dealer agreement for each such vessel or motor sold at each location licensed shall be charged. The annual renewal fee shall be One Hundred Dollars (\$100.00) per location per year. Any changes in the make of vessels or motors sold at any location licensed shall be specified in the renewal application. A fee of Ten Dollars (\$10.00) per location shall be charged for such additional dealer agreement for each such vessel or motor sold; and

2. For the license issued initially to each dealer of used vessels or motors, the fee shall be Fifty Dollars (\$50.00) per each location licensed with an annual renewal fee of Fifty Dollars (\$50.00) per location per year.

SECTION 20. AMENDATORY 63 O.S. 1991, Section 4036, is amended to read as follows:

Section 4036. A. When a registration expires on a used vessel or motor while in the possession of a dealer, the dealer shall affix a dealer's demonstration permit to such vessel or motor whenever the vessel or motor is used for demonstration.

B. Upon the purchase or transfer of ownership of an out-of-state used vessel or motor by a dealer, or the purchase or transfer of ownership of a vessel or motor which does not have a certificate of title or a certificate of registration the dealer shall make application for an Oklahoma certificate of title pursuant to the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title. Upon receipt of the Oklahoma certificate of title, the dealer shall follow the procedure as set forth in subsection A of this section. Provided, nothing in this title shall be construed as requiring a dealer to register a vessel or motor purchased in another state which will not be operated or sold in this state.

C. Upon sale or transfer of ownership of the used vessel or motor, the dealer shall place upon the reassignment portion of the certificate of title a tax stamp issued by the county treasurer of the county in which the dealer has his primary place of business. The tax stamp shall be issued upon payment of a fee of Three Dollars and fifty cents (\$3.50) and shall be in lieu of the dealer's ad valorem tax on the inventories of used vessels or motors but shall not relieve any other property of the dealer from ad valorem taxation.

D. Upon sale of a used vessel or motor to another licensed dealer, the selling dealer shall place the tax stamp required in subsection C of this section upon the certificate of title.

E. The purchaser of every used vessel or motor except as otherwise provided by law, shall obtain registration and title for the vessel or motor within thirty (30) calendar days from the date of purchase of same.

SECTION 21. AMENDATORY 63 O.S. 1991, Section 4039.1, is amended to read as follows:

Section 4039.1 Any currently licensed Oklahoma vessel dealer owning a commercial marina on the waters of this state may dock his vessels for sale at his marina.

SECTION 22. AMENDATORY 63 O.S. 1991, Section 4041, is amended to read as follows:

Section 4041. The Oklahoma Tax Commission may deny an application for a license, or revoke or suspend a license or impose a fine not to exceed Five Hundred Dollars (\$500.00) against a dealer for each day that any provision of this section or Sections 4033 through 4040 of this title is violated or for any of the following reasons:

1. On satisfactory proof of unfitness of the applicant in any application for any license pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act;

2. For any material misstatement made by an applicant in any application for any license pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act;

3. For any failure to comply with any provision of the Oklahoma Vessel and Motor Registration Act or any rule promulgated by the Commission under authority vested in it by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title;

4. A change of condition after license is granted resulting in failure to maintain the qualifications for license;

5. Being a dealer who:

- a. has required a purchaser of a new vessel or motor, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories or equipment not desired or requested by the purchaser and installed by the dealer,
- b. uses any false or misleading advertising in connection with his business as such a dealer,
- c. has committed any unlawful act which resulted in the revocation of any similar license in another state,
- d. has failed or refused to perform any written agreement with any retail buyer involving the sale of a vessel or motor,
- e. has been convicted of a crime involving moral turpitude,
- f. has committed a fraudulent act in selling, purchasing, or otherwise dealing in vessels or motors or has misrepresented the terms and conditions of a sale, purchase, or contract for sale or purchase of a vessel or motor or any interest therein including an option to purchase such vessel or motor, or
- g. has failed to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;

6. Being a dealer who does not have an established place of business;

7. Being a new vessel or new motor dealer who:

- a. does not provide for a suitable repair shop separate from the display room with ample space to repair or recondition one or more vessels or motors at the same time, and which is equipped with such parts, tools and equipment as may be requisite for the servicing of vessels or motors in such a manner as to make them comply with the safety laws of this state and to properly fulfill the dealer's or manufacturer's warranty obligation. Provided that the provisions of this subparagraph shall not apply to:

- (1) mercantile establishments engaged in the selling of vessels and motors if:
 - (a) such vessel and motor business does not constitute more than ten percent (10%) of the business of such establishment,
 - (b) the vessels sold at such establishment are under fourteen (14) feet in length, and
 - (c) the outboard motors sold at such establishment are under ten (10) horsepower, or
- (2) dealers which are engaged solely in the business of selling canoes. For the purposes of this subsection, "canoe" shall mean a vessel that is long relative to its width, that has curved sides and is tapered to two (2) pointed ends, or is tapered to one (1) pointed end and blunt on the other end, and is generally of traditional shape,
- b. does not hold a dealer agreement in effect with a manufacturer or distributor of new vessels or motors for the sale of the same and is not authorized by the manufacturer or distributor to render predelivery preparation of such vessels or motors sold to purchasers and to perform any authorized post-sale work pursuant to the manufacturer's or distributor's warranty, or
- c. does not properly service a new vessel or motor before delivery of same to the original purchaser thereof.

SECTION 23. AMENDATORY 63 O.S. 1991, Section 4043, is amended to read as follows:

Section 4043. The Commission is hereby authorized, without cost, bond or deposit, to institute injunctive actions in courts of competent jurisdiction, in the name of the State of Oklahoma on the relation of said Commission, to enforce the provisions of Sections 4033 through 4042 of this title. Any licensee or other person who violates or threatens to violate any provision of Sections 4033 through 4042 of this title or rule or regulation enacted thereunder or order of the Commission may be enjoined from so doing.

SECTION 24. AMENDATORY 63 O.S. 1991, Section 4044, is amended to read as follows:

Section 4044. The Oklahoma Tax Commission shall issue permits for displays and sales of new vessels or motors which are held off the premises of a licensed dealer thereof as follows:

- 1. A promotion by an individual new vessel or motor dealer which is held off the premises of such dealer and at which sales activities are conducted may be held only under the following conditions:
 - a. the dealer participates in an advertised vessel or motor show in which at least two other vessel or motor dealers are participating,
 - b. application for a permit for a sales promotion by an individual dealer shall be made to the Commission at least seven (7) calendar days prior to such promotion, and such permit shall be issued by the Commission upon payment of a fee of Fifty Dollars (\$50.00) per event,
 - c. the permit shall be valid for a period not to exceed fourteen (14) consecutive days, and
 - d. the Commission shall not issue a permit to a dealer if he has obtained a permit within the past forty-five (45) calendar days for the same location;
- 2. A dealer may not be denied a permit on the grounds that the sales promotion is to be held within the relevant market area of another dealer of the same product line; and

3. A dealer who fails to obtain such a permit shall be subject to the penalties and fines provided for in Section 4041 of Title 63 of the Oklahoma Statutes.

Provided, a permit shall not be required pursuant to the provisions of this section for a display or sale of new vessels or motors which is held off the premises of a licensed dealer if the display or sale is held within a fifteen (15) mile radius of the location of the dealership.

SECTION 25. AMENDATORY 63 O.S. 1991, Section 4101, is amended to read as follows:

Section 4101. A. This section and Sections 4102 through 4108 of this title shall be known and may be cited as the "Oklahoma Vessel and Motor Excise Tax Act".

B. The terms used in the Oklahoma Vessel and Motor Excise Tax Act shall have the same definitions as those terms are defined by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

SECTION 26. AMENDATORY 63 O.S. 1991, Section 4104, is amended to read as follows:

Section 4104. All revenue derived under the Oklahoma Vessel and Motor Excise Tax Act, Section 4102 et seq. of this title, shall be apportioned and distributed by the Oklahoma Tax Commission as provided for in Section 1101 of Title 47 of the Oklahoma Statutes of the Oklahoma Vehicle License and Registration Act.

SECTION 27. AMENDATORY 63 O.S. 1991, Section 4105, is amended to read as follows:

Section 4105. A. The value of any vessel or motor for the purposes of the excise tax levied by Section 4103 of this title shall be determined as of the time the person applying for a certificate of title thereto obtained either legal ownership or possession of the vessel or motor which shall be the actual date of the sale or other transfer of legal ownership, which date shall be shown by the assignment on the certificate of title or, in the case of a new vessel or motor on the manufacturer's certificate or statement of origin hereby required, and by the application for registration, required to be furnished by the licensed dealer for use by the purchaser. The value of a new vessel or new motor for excise tax purposes shall be the manufacturer's price of such vessel or motor delivered at the factory. As used herein, the manufacturer's factory-delivered price shall represent the recommended retail selling price and shall not mean the wholesale price to a dealer. Further, for purposes of the Oklahoma Vessel and Motor Excise Tax Act, Section 4102 et seq. of this title, a new vessel or new motor used by a licensed dealer for demonstration purposes shall be considered a new vessel or new motor upon the first time sale and registration of such vessel or motor. The value of a used vessel or used motor shall be sixty-five percent (65%) of the manufacturer's price of such vessel or motor delivered at the factory for subsequent transfers for the first year and for the second year and sixty-five percent (65%) of the value of the previous year so fixed for each successive year for which such vessel or motor is registered and licensed in this or any other state, until such vessel or motor reaches a minimum value of Two Hundred Fifty Dollars (\$250.00).

B. The Commission shall have the authority in cases of dispute to determine the factory delivered price or price of any vessel or motor.

C. In computing the excise tax, the fees collected shall be rounded to the nearest dollar.

SECTION 28. AMENDATORY 63 O.S. 1991, Section 4200, is amended to read as follows:

Section 4200. Section 4201 et seq. of this title shall be known and may be cited as the "Oklahoma Boating Safety Regulation Act".

SECTION 29. AMENDATORY 63 O.S. 1991, Section 4201, is amended to read as follows:

Section 4201. In addition to the terms defined by the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title, for the purposes of the Oklahoma Boating Safety Regulation Act, Section 4201 et seq. of this title:

1. "Anchorage area" means a place specifically indicated by the authority in charge of a body of water for anchoring or mooring a vessel;

2. "Buoy" means an anchored marker for marking a position on the water, or a hazard, shoal or mooring, or any other prohibitive activity area;

3. "Capacity plate" means a sign posted in view of the operator's station on a vessel which designates the maximum weight capacity and horsepower restrictions of a vessel for safe operation;

4. "Class A vessel" means a vessel which is less than sixteen (16) feet in length;

5. "Class 1 vessel" means a vessel which is sixteen (16) feet or longer and less than twenty-six (26) feet in length;

6. "Class 2 vessel" means a vessel which is twenty-six (26) feet or longer and less than forty (40) feet in length;

7. "Class 3 vessel" means a vessel which is forty (40) feet or longer in length;

8. "Diver's flag" means a red flag not less than twenty (20) inches by twenty-four (24) inches with a four-inch white stripe running from one upper corner to a diagonal lower corner, and such flag is used to indicate a submerged diver;

9. "Emergency vessel" means any law enforcement vessel which is legally authorized to operate in the emergency mode;

10. "Law enforcement vessel" means any vessel legally authorized to operate under the color of law;

11. "Manipulate" means to guide, steer or otherwise control;

12. "Marine sewage" means any substance, treated or untreated, that contains any of the waste products of humans or animals or foodstuffs;

13. "Marine toilet" means any latrine, head, lavatory or toilet intended to receive marine sewage and which is located on or in any vessel;

14. "Operator" means the person who operates, has actual physical control, or has charge of the navigation or use of a vessel;

15. "Parasail" means any device which, when airborne, is used or capable of being used for lifting or suspending a person who is being or will be towed by a vessel;

16. "Personal flotation device" means only a United States Coast Guard approved flotation device;

17. "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, or a vessel which is similar in appearance and operation to a personal watercraft but which is powered by an outboard or propeller driven motor, or a vessel less than sixteen (16) feet in length which travels across the water above or on a cushion of air provided by engines, propellers or other means of propulsion;

18. "Reportable boating accident" means an accident, collision or other casualty involving a vessel which results in loss of life, injury sufficient to require first aid or medical attention or actual physical damage to property in excess of Five Hundred Dollars (\$500,00);

19. "Sanctioned event" means any organized event on the waters of this state, including but not limited to regattas, motorboat or

other boat races, marine parades, tournaments and exhibitions, which is approved and permitted by an authorizing agency;

20. "Under way" means the movement of a vessel whether by mechanical or nonmechanical means which is other than incidental to the force of wind, waves or current; and

21. "Wake" means the track of waves left by a vessel or other object moving through the water, and such waves are greater than the natural waves in the immediate area of the vessel, or are cresting and showing white water, or may cause injury or damage to any person or property.

SECTION 30. AMENDATORY 63 O.S. 1991, Section 4202, is amended to read as follows:

Section 4202. The Department of Public Safety is hereby granted authority and jurisdiction to administer and enforce all provisions of the Oklahoma Boating Safety Regulation Act, Section 4201 et seq. of this title, and the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title. The Department is authorized to promulgate and enforce all necessary rules pursuant to Article 1 of the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, and shall prescribe all forms it deems necessary to implement the provisions of the Oklahoma Boating Safety Regulation Act.

SECTION 31. AMENDATORY 63 O.S. 1991, Section 4205, is amended to read as follows:

Section 4205. A. The United States Army Corps of Engineers, the Oklahoma Department of Tourism and Recreation, and the Grand River Dam Authority may authorize the holding of sanctioned events on any waters of this state under their jurisdiction. Said administering entities shall promulgate rules pursuant to Article 1 of the Oklahoma Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, concerning the safety of other vessels and persons thereon, both observers and participants. No sanctioned event shall be held without a written permit from said administering entity, and said written permit shall be available for inspection at all times during the event.

B. Whenever a sanctioned event is proposed to be held, the administering entity shall, upon granting approval to hold such event and at least ten (10) days prior thereto, file a notification in writing of said event with the Lake Patrol Division of the Department of Public Safety. Such notification shall set forth the date, time, location where the sanctioned event is proposed to be held, the type of event and the person in charge of said event.

C. No person shall hold or give permission to hold any sanctioned event in an unsafe manner or under unsafe environmental conditions so as to endanger life or property. Should any duly authorized peace officer of this state determine within their jurisdiction that such event is being held or conducted in an unsafe manner or under unsafe environmental conditions, such officer shall have the authority to cancel or terminate said event.

SECTION 32. AMENDATORY 63 O.S. 1991, Section 4206, is amended to read as follows:

Section 4206. A. 1. The operator of a vessel less than twenty-six (26) feet in length, while under way, shall require each passenger who is twelve (12) years of age or younger to wear a personal flotation device.

2. Any person operating or manipulating a personal watercraft, water skis, a sailboard or a similar device shall wear a personal flotation device approved and designed for the activity in which the person is engaged.

B. Each personal flotation device shall be in good and serviceable condition, of the type prescribed by the United States Coast Guard and of a size suitable to the person who is or will be

wearing it. A ski belt is not a United States Coast Guard approved personal flotation device.

SECTION 33. AMENDATORY 63 O.S. 1991, Section 4207, is amended to read as follows:

Section 4207. A. Vessels subject to the provisions of the Oklahoma Boating Safety Regulation Act shall be divided into four classes as follows:

Class A. Less than sixteen (16) feet in length.

Class 1. Sixteen (16) feet or over and less than twenty-six (26) feet in length.

Class 2. Twenty-six (26) feet or over and less than forty (40) feet in length.

Class 3. Forty (40) feet or over.

B. Every vessel in all weathers between the hours from sunset to sunrise shall carry and exhibit the lights prescribed by the United States Coast Guard when under way, including, but not limited to, the following:

1. Every vessel of Classes A and 1 shall carry:

a. a bright white light aft to show all around the horizon, and

b. a combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port;

2. Every vessel of Classes 2 and 3 shall carry:

a. a bright white light in the forepart of the vessel as near the stem as practicable, and

b. a bright white light aft to show all around the horizon and higher than the white light forward, and

c. on the starboard side, a green light and on the port side, a red light;

3. Vessels of all classes when propelled by sail alone shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision; and

4. When propelled by sail and motor, any vessel shall carry the lights required by this section for a vessel propelled by motor only.

C. Every vessel shall be provided with an efficient whistle or other sound-producing mechanical appliance; provided, however, no vessel, except for emergency and law enforcement vessels, shall be equipped with a siren.

D. Every vessel of Class 2 and 3 shall be equipped with an efficient bell.

E. Every vessel shall be required to carry:

1. At least one wearable personal flotation device for each person on board so placed as to be readily accessible and of a size suitable to the person who is or will be wearing it; and

2. At least one type IV (throwable) personal flotation device on board, so placed as to be readily accessible.

All lifesaving devices shall be in good and serviceable condition.

F. Every vessel using flammable liquid as fuel shall be equipped with such number, size, and type of United States Coast Guard approved fire extinguisher as prescribed in the rules of the Department of Public Safety. Such extinguisher shall be capable of promptly and effectively extinguishing burning fuel. Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed and secured to the vessel as to be readily accessible.

G. The provisions of subsections C, D, and F of this section shall not apply to vessels while competing in any race conducted pursuant to Section 4205 of this title, or, if such vessels are designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of vessels and motors for the race.

H. Every vessel shall have the carburetor or carburetors of every motor therein, except outboard motors, using any liquid as fuel, equipped with a United States Coast Guard or U.L. or S.A.E. approved backfire flame arrestor or other appropriate attachment, as prescribed by the rules of the Department of Public Safety.

I. Every vessel, except open vessels, using any liquid as fuel shall be provided with such means as may be prescribed by the United States Coast Guard for properly and efficiently ventilating the bilges of the motor and fuel tank compartments so as to remove any explosive or inflammable gases.

J. No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof and as prescribed in the rules of the Department of Public Safety.

SECTION 34. AMENDATORY 63 O.S. 1991, Section 4208, is amended to read as follows:

Section 4208. A. No person shall operate upon the waters of this state any vessel or motor which is not equipped with a muffler or muffler system in good working order. The use of cutouts, removal of mufflers or muffler baffles, cutting or punching of holes in mufflers or otherwise modifying the original muffler or muffling system installed by the manufacturer or any subsequent muffler or muffling system so as to increase or modify the noise level is prohibited. This section shall not apply to vessels in the act of participating in a sanctioned event.

B. No person shall authorize, cause or permit unnecessary sounding of any whistle, horn, bell, siren or other sound-producing device on a vessel while such vessel is within any harbor limits or in areas of congested vessel traffic.

SECTION 35. AMENDATORY 63 O.S. 1991, Section 4209, is amended to read as follows:

Section 4209. A person not entitled to possession of a vessel or motor who, without the consent of the owner and with intent to deprive him of the vessel or motor or its possession, takes, uses, or operates the vessel or motor, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A person not entitled to the possession of a vessel or motor who receives, possesses, sells or disposes of such vessel or motor, knowing said vessel or motor to be stolen or converted under circumstances constituting a crime, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Identification number" includes any identifying number, serial number, motor serial number or other distinguishing number or mark, placed on a vessel or motor by its manufacturer or by authority of the Oklahoma Tax Commission or in accordance with the laws of another state or country;

2. "Remove" includes deface, cover and destroy; and

3. "Falsify" includes alter and forge.

B. Any person or persons who shall remove or falsify or cause to be removed or falsified the hull identification number of a vessel or motor in this state, without first giving notice of such act to the Oklahoma Tax Commission, upon such form as the Commission

may prescribe, or any person who shall give a wrong description in any application for the registration of any vessel or motor in this state for the purpose of concealing or hiding the identity of such vessel or motor, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year and not more than five (5) years.

C. A person who buys, receives, possesses, sells or disposes of a vessel or motor, knowing that the identification number of the vessel or motor has been removed or falsified, upon conviction, shall be guilty of a misdemeanor.

D. A person who buys, receives, possesses, sells or disposes of a vessel or motor, knowing that the identification number of the vessel or motor has been removed or falsified and with intent to conceal or misrepresent the identity of the vessel or motor, upon conviction, shall be guilty of a felony and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

E. An identification number may be placed on a vessel or motor by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Commission without violating this section. An identification number so placed or restored is not falsified.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person who shall knowingly make any false statement of a material fact, either in his application for a certificate of title, as provided for in this title, or in any assignment thereof, or who, with intent to procure or pass title to a vessel or motor which he knows or has reason to believe has been stolen, or who shall receive or transfer possession of the same from or to another, or who shall have in his possession any vessel or motor which he knows or has reason to believe has been stolen, and who is not a duly authorized peace officer of this state engaged at the time in the performance of his duty as such officer, upon conviction, shall be guilty of a felony and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Thousand Dollars (\$5,000.00), or imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a vessel or motor.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Oklahoma Tax Commission, pursuant to the provisions of this title, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, upon conviction, shall be guilty of a felony and shall be punished by a fine of not less than Fifty Dollars (\$50.00), and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A person who, with intent and without right to do so, injures or tampers with any vessel or motor or in any other manner

damages any part or portion of said vessel or motor or any accessories, appurtenance or attachments thereto, upon conviction, shall be guilty of a misdemeanor.

B. A person who, without right to do so and with intent to commit a crime, climbs into or upon a vessel whether it is in motion or at rest, attempts to manipulate any of the levers, starting mechanism or other mechanism or device of a vessel while the same is at rest and unattended, or sets in motion any vessel while the same is at rest and unattended, upon conviction, shall be guilty of a misdemeanor.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

A person who knowingly makes a false report of the theft or conversion of a vessel or motor to any duly authorized peace officer of this state, upon conviction, shall be guilty of a misdemeanor.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or certificate of registration issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title or certificate of registration issued under the laws of this state or any other state;

3. To purchase identification or number plates on a certificate of title assigned to another vessel or motor; or

4. To sell or dispose of, in any manner, a used vessel or motor without delivering to the purchaser an Oklahoma certificate of title in such purchaser's name or one properly and completely assigned to him at the time of sale.

B. Anyone violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be fined not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00).

SECTION 43. AMENDATORY 63 O.S. 1991, Section 4210, is amended to read as follows:

Section 4210. A. No person shall operate or give permission to operate any vessel or manipulate or give permission to manipulate any parasails, water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

B. No person shall operate or give permission to operate any vessel on any waters of this state, except privately owned waters, while the operator is under the influence of alcohol or any substance included in the Uniform Controlled Dangerous Substances Act, Section 2-104 et seq. of this title.

C. Upon the immediate approach of an authorized emergency vessel making use of an audible or a visual signal or a combination thereof, the operator of every other vessel shall immediately stop his or her vessel whenever or wherever practical or otherwise yield the right-of-way until such authorized emergency vessel has passed, except when otherwise directed by a duly authorized peace officer of this state.

D. No person shall overload or give permission to overload a vessel with persons or gear so as to exceed the posted capacity plate or to exceed United States Coast Guard standards.

E. Any violation of the provisions of this section shall constitute a negligent act in the operation of the vessel or motor or parasails.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. When the death of any person ensues within one (1) year as a proximate result of injury received by the operating of a vessel by any person sixteen (16) years of age or older in reckless disregard of the safety of others, the person so operating such vessel shall be guilty of negligent homicide.

B. Any person convicted of negligent homicide shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any operator of a vessel who has received a visual and audible signal, a red light and a siren, from any duly authorized peace officer of this state, operating a vessel showing the same to be a law enforcement vessel, directing the said operator to bring his vessel to a stop and who willfully increases his speed or extinguishes his lights in an attempt to elude such officer, or willfully attempts in any other manner to elude the officer, or who does elude such officer, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Said peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other duly authorized peace officers from any office, department or agency of this state. Any such officer within this state, having knowledge of such request, is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful to transport a shotgun, rifle or pistol in or to discharge such weapons from a vessel, except for the purposes of hunting animals or fowl, and in compliance with existing state and federal laws. Anyone violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days and not more than six (6) months, or by both such fine and imprisonment.

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any person who operates or gives permission to operate a vessel on any waters of this state shall operate the same at a careful and prudent speed not greater than nor less than is reasonable or proper, having due regard to other vessels, water skiers, swimmers, sanctioned events, restrictive and informational markers or buoys, existing wind conditions, waves, wakes or other weather conditions then existing.

B. No person shall operate or give permission to operate a vessel in a wake zone at a speed which is other than reasonable and prudent and which shows due regard for the existence of actual or potential hazards and obstacles, or in such a manner as to endanger the life, limb or property of any other person, or in such a manner as to create a wake. For the purpose of this title, "no wake zone"

means any area posted with buoys or within one hundred fifty (150) feet of any boat ramp, dock, pier, or anchored or moored vessel.

C. Any violation of the provisions of this section shall constitute a careless act in the operation of the vessel.

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

No person shall remove, tamper or otherwise interfere with or attach or moor a vessel to the anchor cable or any other part of any waterway marker, navigational aid or buoy.

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

No person shall sit or ride on the sides of a vessel, a covered bow or the back of any seat of a vessel, or stand in a vessel while under way at any speed greater than idle or trolling speed; provided, however, the operator of such vessel may stand if said vessel is specifically designed to be operated from a standing position.

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4210.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

No operator shall allow any person to occupy the front or back deck of any vessel while under way at any speed greater than idle or trolling speed, nor any structure above the main deck without adequate safety rails or lines so constructed as to prevent such person from slipping or falling overboard.

SECTION 51. AMENDATORY 63 O.S. 1991, Section 4211, is amended to read as follows:

Section 4211. A. Any person diving or submerging in a body of water with the aid of any mechanical diving or breathing device or suit shall place a buoy with a flag in the water at or near the point of submergence or fly a flag from a vessel indicating divers are present, in the following manner:

1. Either the nationally recognized diver's flag or Alpha flag may be flown;

2. When flown from a vessel, at least one flag shall be flown not less than one (1) meter above the highest point of the vessel and shall be visible from a three-hundred-sixty-degree circle;

3. The buoy, flag or flags shall be in place only while actual diving operations are in progress;

4. No diving buoys may be closer than three hundred (300) yards to each other or closer than three hundred (300) yards to any dock, functional boat ramp or designated swimming area; and

5. The flag or flags shall be in good condition and legible, and the flag shall be in the extended position so as to be visible to any other vessel.

B. It shall be unlawful for any person to operate a vessel within one hundred fifty (150) feet of a diving buoy except while engaged in the rescue of a person in such area.

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4211.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Inner tubes, air mattresses, or floating chairs shall not be more than fifty (50) feet from shore.

SECTION 53. AMENDATORY 63 O.S. 1991, Section 4212, is amended to read as follows:

Section 4212. A. No person shall operate or give permission to operate a vessel on any waters of this state for towing a person or persons using parasails or on water skis, a surfboard, or similar device unless there is in such vessel a person who is at least eight (8) years old, and who, in addition to the operator, is in a position to observe the progress of the person or persons being

towed, or unless an efficient wide angle convex rear view mirror has been installed on such vessel in such manner as to permit the person operating said vessel to face the direction of travel and be in a position to observe the progress of the person or persons being towed.

B. No person shall operate or give permission to operate a vessel on any waters of this state towing a person or persons using parasails or on water skis, a surfboard, a sailboard or similar device nor shall any person engage in parasailing, water skiing, surfboarding, sailboarding or similar activity at any time between the hours from sunset to sunrise or at such time visibility due to other existing conditions is obscured so as to endanger life or property.

C. The provisions of subsections A and B of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under Section 4205 of this title.

D. No person shall operate or give permission to operate or manipulate any vessel, tow rope or other device by which the direction or location of parasails, water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the parasails, water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person.

E. 1. No person shall operate or give permission to operate a personal watercraft or similar device capable of being remote controlled by the skier unless such device is factory equipped with an engine kill switch capable of shutting off the engine in the event the skier becomes detached from the personal watercraft device. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch shall attach such lanyard to his person, clothing, or personal flotation device as appropriate for the specific vessel.

2. Water skiing shall be prohibited with any watercraft which is designed to accommodate two or fewer persons. Water skiing shall be allowed with any watercraft which is designed to accommodate three or more persons, provided such watercraft shall have a length of more than nine (9) feet, nine (9) inches, and a width of more than forty-six (46) inches. A rear-facing spotter shall be required for water skiing.

3. No person shall operate a personal watercraft at any time between the hours from sunset to sunrise unless equipped with prescribed lights.

SECTION 54. AMENDATORY 63 O.S. 1991, Section 4213, is amended to read as follows:

Section 4213. A. No person shall place or dispose of marine sewage in any waters of this state.

B. On and after July 1, 1993, no person shall operate a vessel equipped with a marine toilet which is not a total retention system in accordance with federal regulations regarding marine toilets.

SECTION 55. AMENDATORY 63 O.S. 1991, Section 4214, is amended to read as follows:

Section 4214. A. The operator and/or passenger of a vessel involved in a collision, accident, or other casualty, shall render to other persons involved in the collision, accident, or other casualty reasonable assistance as may be necessary and practicable and shall immediately, by the quickest means of communication, give notice of such accident to the local police department if such accident occurs within a municipality, or to the office of the county sheriff or nearest state highway patrol headquarters after complying with the requirements of this section. The operator of a vessel involved in a collision, accident, or other casualty shall give his name, address, and identification of his vessel, in

writing, to any person injured in the collision, accident, or other casualty and to the owner of any property damaged in the collision, accident, or other casualty.

B. If a collision, accident, or other casualty results in death or injury to a person or damage to property in excess of Five Hundred Dollars (\$500.00), the operator of the vessel involved in the collision, accident, or other casualty shall file with the Department of Public Safety a full description of the collision, accident, or other casualty, and such information as the Department may require.

C. Whenever a person is halted by any duly authorized peace officer of this state for any violation of Chapters 70, 71 or 72 of this title, which shall be punishable as a misdemeanor, and is not taken before a magistrate as hereinbefore required or permitted, the officer shall prepare in quadruplicate using the "Oklahoma Uniform Violations Complaint", a written notice to appear in court, such notices to appear to be serially numbered, containing the name and address of the person, the state registration number of his vessel, if any, the offense charged, the time and place when and where the person shall appear in court, and such other pertinent information as may be necessary.

D. The time specified in the notice to appear must be at least five (5) calendar days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.

E. The person charged with the violation may give his written promise to appear in court by signing the written notice to appear prepared by the officer, in which event the officer shall deliver a copy of the notice to appear to the person, and thereupon the officer shall not take the person into physical custody for the violation.

F. If the person charged with the violation is a minor, then the citing officer shall ascertain from the minor the name and address of his parents or legal guardian, and said officer shall cause a copy of the "violation" to be mailed to the address of the parents or legal guardian, within three (3) calendar days after the date of violation.

G. Except for felony violations, any duly authorized peace officer of this state at the scene of a boating accident may issue a written notice to appear to the operator of a vessel involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense in connection with the accident.

H. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Department of Public Safety pursuant to this section shall be transmitted to said official or agency of the United States.

I. Any employee or officer of an agency of this state, or employee or officer of a municipality or county in this state, shall make a written report to the Department of Public Safety if an occurrence involving a vessel or its equipment results in one or more of the following:

1. A person dies;
2. A person is injured and requires medical treatment beyond first aid;

3. Damage to the vessel and other property totals more than Five Hundred Dollars (\$500.00) or there is a complete loss of the vessel;

4. A person disappears from the vessel under circumstances that indicate death or injury;

5. A person drowns in swimming to retrieve a vessel that is adrift from its mooring or dock, having departed from a position of inherent safety such as a shore or pier;

6. A person drowns while swimming from a vessel for pleasure and the vessel does not contribute to the drowning;

7. A person drowns after falling from a vessel that is moored or anchored for use as a swimming platform or other purpose;

8. A person dies or is injured while in the act of launching a vessel into a body of water;

9. A person drowns or is injured while surfing;

10. A fatality or injury occurs to an operator or a crew member while participating in an organized/sanctioned race, or warm-up, in a vessel uniquely designed for racing; or

11. Damage, injury or death on a docked, moored or anchored vessel resulting from unusual wake or wave conditions.

SECTION 56. AMENDATORY 63 O.S. 1991, Section 4217, is amended to read as follows:

Section 4217. A. It shall be unlawful to abandon a vessel on the waters of this state or other public property. Any officer of the Department of Public Safety shall deem a vessel abandoned and shall have authority to remove or direct the removal of a vessel when found upon any portion of the waters of this state or other public property, if, after a period of forty-eight (48) hours, there is no evidence of an apparent owner who intends to remove the vessel. Any law enforcement officer prior to removing such vessel shall attempt to notify the owner of such vessel if the vessel has an identification number registered in this state or if the name and address of the owner is attached to such vessel.

B. If such officer has reasonable cause to believe a vessel has been abandoned in a location which would be hazardous to the free flow of traffic or would be highly susceptible to damage from vandalism or other harm, he shall have authority to remove or direct the removal of the vessel immediately. At the time of ordering the removal of an abandoned vessel, the authorizing officer shall also determine the sale value of the vessel and certify that amount on the removal order.

C. Any officer of the Department of Public Safety is hereby authorized to cause to be removed any vessel found upon the waters of this state or any other public property when:

1. Report has been made that such vessel has been stolen or taken without the consent of its owner;

2. The officer has reason to believe the vessel has been abandoned as defined in this section;

3. The person operating or in control of such vessel is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay;

4. At the scene of an accident, when the owner or operator is not in a position to take charge of his vessel and direct or request proper removal; or

5. When a vessel and/or motor registration is thirty (30) days past the date of expiration. Such officer may ensure the safe removal of said vessel by use of a trailer.

SECTION 57. AMENDATORY 63 O.S. 1991, Section 4218, is amended to read as follows:

Section 4218. A. Except as otherwise provided by the provisions of this section, any person violating the provisions of the Oklahoma Boating Safety Regulation Act, Section 4201 et seq. of this title, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed Fifty Dollars (\$50.00) for each such violation.

B. Any person who violates Section 4210 or 4213 of this title, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00).

C. Any person who violates any provision of Sections 4206 through 4212 of this title, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed One Hundred Dollars (\$100.00) for each such violation.

D. In addition to any fines levied pursuant to this section, any person who violates any provision of Section 4210 of this title, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for a period not to exceed six (6) months.

SECTION 58. REPEALER 21 O.S. 1991, Sections 1207 and 1289.14, are hereby repealed.

SECTION 59. REPEALER 63 O.S. 1991, Sections 4010, 4011, 4203, 4220, 4220.1, 4220.2, 4220.3 and 4220.4, are hereby repealed.

SECTION 60. This act shall become effective January 1, 1993.