

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1931

By: Perry

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 4214, as amended by Section 55, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1994, Section 4214), which relates to boating accidents; modifying circumstances requiring report by certain individuals; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4214, as amended by Section 55, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1994, 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 accident report to the Department of Public Safety if an ~~occurrence~~ incident 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~~ or to other property, or both, 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.~~

When it is deemed by the investigating officer that a failure or malfunction of the vessel or of any installed or associated equipment or appendage thereon caused or was a contributing cause to the incident and:

a. the vessel is damaged by fire, explosion, sinking or other misfortune, or

b. a person is injured or burned or dies from exposure or drowning;

6. A person dies or is injured or property damage results from an incident caused by careless or improper use of the vessel; or

7. A person dies, whether by drowning or any other cause, while attempting to retrieve any equipment or appendage installed on or associated with the vessel which has become disengaged, detached or otherwise separated from the vessel.

SECTION 2. This act shall become effective November 1, 1995.

45-1-5967

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