

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2496

By: Hutchison

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 4009, as amended by Section 7, Chapter 284, O.S.L. 1992, and 4030, as last amended by Section 2, Chapter 152, O.S.L. 1994 (63 O.S. Supp. 1995, Sections 4009 and 4030), which relate to the Oklahoma Vessel and Motor Registration Act; granting certain powers to Grand River Dam Authority; modifying definition of homemade vessel; exempting sailboards from display of permanent numbers; amending 63 O.S. 1991, Section 4207, as amended by Section 33, Chapter 284, O.S.L. 1992, Section 36, Chapter 284, O.S.L. 1992, Section 47, Chapter 284, O.S.L. 1992, Section 50, Chapter 284, O.S.L. 1992, and Section 52, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, Sections 4207, 4209.1, 4210.4, 4210.7 and 4211.1), which relate to the Oklahoma Boating Safety Regulation Act; requiring certain lights to be exhibited during periods of restricted visibility; specifying types of lights to be carried and exhibited by power-driven and sailing vessels; exempting certain watercraft and vessels from carrying personal flotation device; requiring law enforcement agencies to forward certain reports to

Lake Patrol Division of Department of Public Safety; providing for access to reports; prohibiting leaving vessel in swimming area; defining term; establishing devices used by swimmer to be subject to shore distance requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4009, as amended by Section 7, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, 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 or of the Grand River Dam Authority, pursuant to the rules promulgated by the Commissioner of Public Safety. For the purposes of this act, "homemade vessel" means any vessel ~~without~~ not allotted a hull identification number by a manufacturer and specifically excludes any vessel upon which the hull identification number has been covered, altered, defaced, destroyed or removed.

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. The Grand River Dam Authority is hereby granted authority and

jurisdiction to administer and enforce the rules of the Department regarding 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 2. AMENDATORY 63 O.S. 1991, Section 4030, as last amended by Section 2, Chapter 152, O.S.L. 1994 (63 O.S. Supp. 1995, 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 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.

D. The provisions of this section shall not apply to sailboards.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 4207, as amended by Section 33, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, 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 and during periods of restricted visibility 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~~

1. Every power-driven vessel shall carry and exhibit:

- a. a masthead light forward. Provided, a vessel less than twenty (20) meters, or less than sixty-five (65) feet, seven and one-half (7 1/2) inches, in length need not exhibit this light forward of amidships but shall exhibit it as far forward as practicable,
- b. side lights, and
- c. a stern light;

2. Any power-driven vessel of less than twelve (12) meters, or less than thirty-nine (39) feet, four and one-half (4 1/2) inches, in length may carry and exhibit, in lieu of the lights prescribed in paragraph 1 of this subsection, an all-around white light and side lights;

3. Every sailing vessel shall carry and exhibit:

- a. side lights, and
- b. a stern light;

4. Any sailing vessel of less than twenty (20) meters, or less than sixty-five (65) feet, seven and one-half (7 1/2) inches, in length may combine the lights prescribed in paragraph 3 of this subsection within one lantern carried at or near the top of the mast where it can be seen as nearly all-around as possible;

5. Any sailing vessel may carry and exhibit, in addition to the lights prescribed in paragraph 3 of this subsection but not in conjunction with any combination lantern as provided in paragraph 4 of this subsection, two all-around lights in a vertical line, the upper being red and lower being green, at or near the top of the mast where they can be seen as nearly all-around as possible;

6. Every sailing vessel of less than seven (7) meters, or less than twenty-three (23) feet, eleven and one-half (11 1/2) inches, shall carry and exhibit, if practicable, the lights prescribed in paragraph 3 or 4 of this subsection. If such exhibition is not practicable, there shall be carried ready at hand on the vessel a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision;

7. Every sailing vessel propelled by a combination of sail and motor shall carry and exhibit the lights of a power-driven vessel prescribed in paragraph 1 or 2 of this subsection;

8. Every manually powered vessel may carry and exhibit the lights prescribed in this subsection for sailing vessels. If such lights are not carried and exhibited, there shall be carried ready at hand on the vessel a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision; and

9. Every vessel at anchor shall carry and exhibit an all-around white light in such position where it may best be seen. The deck of an anchored vessel may be illuminated by available auxiliary lights, provided the auxiliary lights do not interfere with the visibility of required lights or impair the safe navigation of other vessels.

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. This paragraph

shall not apply to personal watercraft, sailboards or any vessel under twelve (12) feet in length.

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 4. AMENDATORY Section 36, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, Section 4209.1), is amended to read as follows:

Section 4209.1 A. 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.

B. Whenever any municipal, county or state law enforcement agency in this state receives a report of a stolen vessel or motor, the agency shall forward a copy of the report and a copy of any existing or subsequent investigative reports regarding such vessel or motor to the Lake Patrol Division of the Department of Public Safety. The Lake Patrol Division shall make the reports available to any other law enforcement agency upon request and to any other interested party under the provisions of the Oklahoma Open Records Act.

SECTION 5. AMENDATORY Section 47, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, Section 4210.4), is amended to read as follows:

Section 4210.4 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. No person shall park, moor or beach a vessel at the perimeter of or within a marked swimming area.

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

SECTION 6. AMENDATORY Section 50, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, Section 4210.7), is amended to read as follows:

Section 4210.7 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. As used in this section, "adequate safety rails or lines" shall mean rails or lines installed parallel to the deck of the vessel at a height of not less than fifteen (15) inches and not more than twenty-four (24) inches.

SECTION 7. AMENDATORY Section 52, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1995, Section 4211.1), is amended to read as follows:

Section 4211.1 Inner tubes, air mattresses, ~~or~~ floating chairs or similar devices shall not be more than fifty (50) feet from shore when being used by a swimmer.

SECTION 8. This act shall become effective October 1, 1996.

45-2-8721 LAC