

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1753

By: Weaver

AS INTRODUCED

An Act relating to public health and safety;
establishing Oklahoma Vessel Operators Act;
defining terms; requiring persons operating
motorized vessel to obtain license; providing
exceptions; establishing certain procedures for
issuance of license; establishing certain
requirements for license holders; prohibiting
certain conduct in regard to license; establishing
penalties; providing for certain actions regarding
license; establishing effective date and timetable
for license issuance; establishing Oklahoma Boater
Education Fund; providing for codification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 4300 of Title 63, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Vessel
Operators Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4301 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "License" means a valid license to operate a vessel issued under the laws of this state, including a restricted license, the lawful possession of which by a resident of this state shall be evidence that the resident has been granted the privilege to operate a vessel;

2. "Oklahoma Boater Education Fund" means a fund established by requirements of the Oklahoma Vessel Operators License Act, to be used for implementation and continuation of vessel operator licensing requirements;

3. "State boating law administrator" means the Department of Public Safety, Lake Patrol Division's designated administrator who serves as a liaison with the United States Coast Guard and as the contact person in regard to vessels, water safety issues and other related issues for the Department of Public Safety and the Legislature; and

4. "National Association of State Boating Law Administrators (NASBLA)" means a group of state officials charged with various boating-related issues including, but not limited to, enforcement, education, registration, titling, federal requirements.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4302 of Title 63, unless there is created a duplication in numbering, reads as follows:

Every person, except those specifically exempted by this act, within four (4) years from the effective date of this act, shall procure a vessel operator license before operating a motorized vessel upon the waters of this state. This section shall not apply to any nonmotorized vessel. An Oklahoma resident sixteen (16) years of age and older who has not been previously issued a vessel

operator license may, for a temporary period, operate the vessel upon the waters of this state. Any person while taking test drives of vessels for sale when accompanied by a licensed vessel dealer shall be exempt during the test drive from having a vessel operator license. Every new resident of the State of Oklahoma shall procure a license before operating a motorized vessel in the State of Oklahoma. The cost of the license shall be Five Dollars (\$5.00) for a four-year period.

1. Every vessel operator license issued under this act may be renewed at the end of the license period without examination, upon application. For the purpose of renewal of a vessel operator license, the Department of Public Safety shall mail renewal notices to each license holder thirty (30) days after the expiration date if the license has not been renewed. A grace period of sixty (60) days after the expiration date of a license shall exist for the purpose of license renewal, and the license shall be valid for this time period. The applicant shall apply for renewal of license anytime during a period beginning thirty (30) days before the expiration date of the then current license until one (1) year after the expiration date of license. Failure to make application for renewal within the specified time shall result in the applicant being required to take, and successfully pass, a written or oral examination. If the birthday of an applicant is February 29, the first day of March following shall be regarded as the birthday for the purposes of this section.

2. Nonresidents at least sixteen (16) years of age whose home state or country does not require boater safety certification or the licensing of vessel operators shall also be exempt from the requirements of this section for a cumulative operation period of not more than sixty (60) days in any calendar year. Otherwise, any nonresidents shall be examined and licensed under the same terms and conditions as Oklahoma residents. Nonresidents may be examined and

obtain a license in any county, and the license shall be entitled "Nonresident Oklahoma Vessel Operator License", but under no circumstances shall a person be granted any privileges of operation beyond those granted to an Oklahoma resident license holder of the same age.

3. A person operating a vessel pursuant to a valid and legal commercial activity shall, during the period of time of that activity only, be exempt from the requirement of vessel operator licensing. Otherwise, the person shall be subject to the requirement.

4. A person, while using a rental vessel, shall be exempt from the license requirements of this section if the following conditions are met:

- a. the person rents a vessel from a boat rental business duly permitted by the appropriate authority,
- b. the rental contract specifies that the lessee has been instructed in the proper and safe operation of the vessel by the lessor or an authorized agent of the lessor,
- c. the lessor has complied with the terms of rental contract signed by both parties, and
- d. the lessee signs a statement that the lessee is not currently under suspension or revocation of any vessel operator license or vessel operation privilege in this state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4303 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. No person shall be eligible for or issued an exemption from examination if the person is convicted, on or after the effective date of this act, of violating any crime relating to the operation of a vessel, for which the vessel operator license or

vessel operating privileges of a person may be suspended or revoked pursuant to this act. The person shall apply to a duly authorized agent of the Department of Public Safety for an examination, designated by the Commissioner of Public Safety to conduct examinations. A minor shall furnish a certified copy of a birth certificate or the equivalent to prove age and upon providing the proof shall immediately be examined. Any operator of a boat who is forty (40) years of age or older, whether a resident or a nonresident, as of the effective date of this act, shall be granted a certificate of exemption from the license examination requirements of this act, but shall be subject to all the other requirements of this act. Any operator of a boat or vessel that is a holder of a current valid United States Coast Guard license issued under Section 46, Code of Federal Regulations, Part 10, is exempt from the safety license requirements of Section 2 of this act, only while performing the duties of the operator, including, but not limited to, the following:

- a. carrying passengers for hire on United States navigable waters, and
- b. on all commercially licensed towboats greater than twenty-six (26) feet engaged in towing.

Also exempt from the operator license requirements of Section 2 of this act, only upon proof of valid documentation and only while performing commercial fishing duties, is an operator of a commercial fishing vessel or boat, if in compliance with federal licensing requirements.

2. A person holding a valid United States Coast Guard motorboat operator license submitting a valid certificate of successful completion of any of the following accepted boating courses:

- a. United States Power Squadron,
- b. United States Coast Guard Auxiliary, or

c. a State of Oklahoma, National Association of State Boating Law Administrators approved boating safety course,

shall be exempt from the examination requirements and shall be issued a certificate of exemption from examination, for a vessel operator license, but shall be subject to all other requirements of this act.

B. A person who is at least twelve (12) years of age and under sixteen (16) years of age may operate a vessel if accompanied by a licensed vessel operator who is seated in the vessel so that the licensed vessel operator is in immediate reach of the vessel controls.

C. Reports of all examinations shall be on forms provided by the Commissioner of Public Safety and shall show whether or not the applicant passed the examination. No test of driving skills shall be required. The rules promulgated by the Commissioner pursuant to this subsection shall be subject to the Administrative Procedures Act.

D. If the applicant passes the examination, a certificate to that effect shall be given on a form provided by the Commissioner of Public Safety or an authorized agent of the Department of Public Safety conducting the test.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4304 of Title 63, unless there is created a duplication in numbering, reads as follows:

Each vessel operator license issued by the Department of Public Safety shall bear a distinguishing number assigned to the holder, the name, birth date, address, and a description of the holder, who, for the purpose of identification and to validate the license, shall immediately endorse the usual or regular signature of that person in ink upon receipt of the license.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4305 of Title 63, unless there is created a duplication in numbering, reads as follows:

A vessel operator license shall not be issued to the following persons:

1. Any person less than sixteen (16) years of age;
2. Any person whose vessel operating right or privilege is suspended;
3. Any person whose vessel operating right or privilege is revoked;
4. Any person who is a habitual drunkard or addicted to the use of narcotic drugs;
5. Any person adjudged mentally ill, until certification by the Commissioner of Public Safety or examining officer that the person is competent to operate a vessel with safety to persons and property; and
6. Any person afflicted with or suffering from a physical or mental disability which, in the opinion of the Commissioner of Public Safety or examining officer, will prevent the person from exercising reasonable and ordinary control over a vessel.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4306 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any person with a physical disability, a record of an impairment, or regarded as having an impairment shall be subject to the same laws and rules set forth by the Department of Public Safety and the Lake Patrol Division relating to the licensing of an individual to operate a vessel.

B. The Department of Public Safety shall not refuse to issue or renew any license for the operator of a vessel on the grounds of physical appearance, speculations, or generalizations that the physical impairment of the individual would impede the ability of

that person to operate a vessel in a safe manner without probable cause to believe the ability of the person to operate a vessel in a safe manner is in fact impaired.

C. If the Department refuses to issue a license or arbitrarily questions the abilities of the person, based on physical appearance or speculated inability to operate a vessel in a safe manner, the person shall have a right to an impartial hearing before the Commissioner of Public Safety or a designee. At the hearing, the person shall have the right to be represented by counsel and to present witnesses including, but not limited to, a physician of choice. The person may appeal any decision to the district court.

D. This section shall be interpreted to be consistent with and to further the purposes and policies of Section 504 of the Rehabilitation Act, as amended, 34 CFR Part 104 and P.L. 101-336, the Americans with Disabilities Act, together with implementing regulations and amendments.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4307 of Title 63, unless there is created a duplication in numbering, reads as follows:

Every holder of a boat operator license shall have the license in personal possession at all times when operating a motorized vessel and shall display the license upon demand of a judge of any court or a law enforcement officer. No person charged with violating this section shall be convicted if the person produces in court a vessel operator license issued prior to the arrest and valid at the time of arrest.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4308 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Commissioner of Public Safety and the State Boating Law Administrator are empowered to enter into reciprocal agreements with other states constituting an exchange of rights or privileges in the

use of vessel operator licenses, vessel operator certifications, or vessel operating privileges, within this state by residents of other states. Nothing in this act shall in any way affect the revocation of certifications of another state. The reciprocal agreement can be annulled on notice issued to either party by the other party within thirty (30) days. No agreement shall authorize a person who has been a resident of this state for the past ninety (90) days to operate a motorized vessel in this state without a valid vessel operator license issued by the Commissioner of Public Safety of this state.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4309 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Public Safety, upon issuing a vessel operator license, shall have authority whenever the holder is impaired from a physical disability to impose restrictions suitable to the operating ability of the holder with respect to the type of disability or special mechanical control devices required on a vessel which the holder may operate or other restrictions applicable to the holder as the Commissioner of Public Safety or the State Boating Law Administrator may determine to be appropriate to assure the safe operation of a vessel by the holder.

B. The Commissioner of Public Safety may issue a special restricted license or may set forth restrictions upon the usual license form in the issuance of the license.

C. The Commissioner of Public Safety may, upon receiving satisfactory evidence of any violation of the restrictions of a license, suspend the license but the person shall be entitled to a hearing upon a suspension under this act.

D. It shall be a misdemeanor for any person to operate a vessel in any manner in violation of a restriction imposed in a restricted

license. Any fines collected for the violation of this section shall be deposited into the Oklahoma Boater Education Fund.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4310 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Commissioner of Public Safety may establish and promulgate reasonable rules, not in conflict with the laws of this state, concerning operation of vessels and concerning the enforcement of this act. All fines collected shall be dispersed in accordance with established state law. Specifically, but not by way of limitation, the Commissioner may establish, by rule, a point system by which vessel operator licenses may be suspended or revoked, as well as hearing procedures related to the suspension or revocation of a license. Unless otherwise provided by law, a violation of any rules promulgated under this act shall be a misdemeanor punishable, upon conviction, by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4311 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Commissioner of Public Safety shall file every application for a vessel operator license received and shall maintain suitable records. The Department of Public Safety shall also file all accident reports and abstracts of court records of convictions received under the laws of this state and maintain convenient records or make suitable notations of the individual record of each license holder that shows the convictions of the holder and the accidents in which the holder has been involved. The record shall be readily ascertainable and available for the consideration of the Commissioner and the Boating Law Administrator upon any application for renewal of license and at other suitable times.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4312 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In the event any vessel operator license issued under this act is lost or destroyed, a person may, upon payment of a fee of Five Dollars (\$5.00) and upon furnishing proof to the Commissioner of Public Safety that the license has been lost or destroyed, secure a duplicate. Second or subsequent duplicates shall be Ten Dollars (\$10.00) only after furnishing proof to the Commissioner of Public Safety that the previously held license or duplicate has been lost or destroyed, may a person secure a duplicate. Application for the duplicate shall be made to the Commissioner of Public Safety on forms provided by the Commissioner. The fee shall be collected by the Commissioner and credited to the Oklahoma Boater Education Fund. The fee shall be retained by the Department of Public Safety to be appropriated on a continuous basis and utilized and expended for boating safety purposes and the monies shall not revert to the General Revenue Fund at the end of the fiscal year.

B. Any person making a false affidavit to the Commissioner of Public Safety for the purpose of obtaining a duplicate license shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4313 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person whose vessel operator license has been canceled, suspended, or revoked under any provision of Oklahoma law by the Commissioner of Public Safety or by any court of competent jurisdiction shall, upon application for reinstatement of the license, pay to the Commissioner of Public Safety a fee of Fifty Dollars (\$50.00) for each cancellation, suspension, or revocation

action. An additional fee of Fifty Dollars (\$50.00) shall be imposed if the canceled, suspended, or revoked license is not voluntarily surrendered within thirty (30) days of a cancellation, suspension, or revocation notice. Upon receipt of the reinstatement fee, clearance for relicensing will be provided. The second and any subsequent clearance for relicensing for this action will be provided for a fee of Five Dollars (\$5.00). Upon reinstatement, the holder shall obtain a duplicate license with current personal data. Fees collected by the Commissioner under this section shall be retained by the Department of Public Safety and shall not be returned to the applicant for reinstatement or certification, notwithstanding what action the Commissioner of Public Safety may take on the application of a person for reinstatement of license.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4314 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any person of whom a vessel operator license is required, who operates a motorized vessel on the waters of this state without first complying with this act, or the rules promulgated pursuant to this act, shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

B. Any person who willfully makes a false statement under oath in an application or renewal for a vessel operator license shall be guilty of perjury and, upon conviction, is punishable as provided by law.

C. Any person who willfully conceals or withholds a material fact called for in an application for or renewal of a vessel operator license with intent to obtain a license by fraud shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

D. Any person who violates any provisions of this act for which no fixed punishment is prescribed or who violates any rule promulgated as authorized by this act shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

E. All fines imposed and collected under this act shall be forwarded immediately by the officer of the court who collects them to the Commissioner of Public Safety, together with a report giving a list and description of each case in which a fine was collected. The reports shall be on forms provided by the Commissioner and shall contain information as the Commissioner may require. All monies received by the Commissioner shall be credited to the Oklahoma Boater Education Fund. Any officer of the court who fails to make the reports provided for or who fails to remit any fines collected under this act in the manner provided shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than One Hundred Dollars (\$100.00).

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4315 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person whose vessel operator license or vessel operator certification issued in this or another state or whose vessel operating privilege as a nonresident has been canceled, suspended, or revoked, as provided in this act, and who operates any motorized vessel upon the waters of this state while license, certification, or privilege is canceled, suspended, or revoked shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). At the discretion of the Commissioner of Public Safety, the certification or privilege may be revoked for an additional revocation period of six (6) months.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4316 of Title 63, unless there is created a duplication in numbering, reads as follows:

In addition to all other penalties contained in this act, any person convicted of violating any provision of this act shall be subject to the revocation or suspension of the vessel operator license or vessel operating privileges upon the waters of this state, as provided by law and rules of the Department of Public Safety.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4317 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Public Safety may cancel any vessel operator license upon determining that the holder of the license was not entitled to the issuance or that the holder failed to give the correct or required information in the application for license. Upon cancellation, the holder shall surrender the license canceled and any duplicate. A holder who refuses to surrender the license and any duplicate shall be guilty of a misdemeanor.

B. The privilege of operating a vessel on the waters of this state shall be subject to suspension or revocation by the Commissioner in like manner and for like cause as a vessel operator license may be suspended or revoked.

C. The Commissioner may, upon receiving a record of the conviction in this state of a nonresident operator of a vessel of any offense, forward a certified copy of the record to the Boating Law Administrator in the state where the convicted person is a resident.

D. When a nonresident's operating privilege or Oklahoma vessel operator license is suspended or revoked, the Commissioner may forward a certified copy of the record of the action to the Boating Law Administrator in the state where the convicted person resides.

E. The Commissioner may suspend or revoke the vessel operator license of any person in this state or the privilege of any person to operate a vessel on the waters of this state upon receiving notice of the conviction of the person in another state of any offense which, if committed in this state, would be grounds for the suspension or revocation of the vessel operator license or vessel operating privilege of a vessel operator.

F. Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the license of the person, the court in which the conviction is had shall require the surrender of the license, documents and duplicates of any vessel operator license then held by the person convicted, and the court shall forward the proof of license surrendered together with a record of the conviction to the Commissioner.

G. Every court with jurisdiction over offenses committed under this act, any other law of this state, or municipal ordinance adopted by a local authority regulating the operation of a vessel on the waters of this state shall forward to the Commissioner, within ten (10) days, a record of the conviction of any person in the court for a violation of any laws for which the person is subject to vessel operator license suspension or revocation, and the court may recommend the suspension of the license of the person so convicted.

H. For the purposes of this section, the term "conviction" shall mean a final conviction. Also, for the purposes of this section, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, a plea of guilty or a finding of guilt of a boating or vessel operation violation charge shall be equivalent to a conviction regardless of whether the penalty is suspended or probated.

I. The Commissioner shall revoke the license of any person upon receiving a record of the conviction of a person of any of the following offenses:

1. Manslaughter or homicide by vessel resulting from the operation of a vessel;

2. Any violation resulting in a conviction of operating a vessel while under the influence of alcohol or drugs;

3. Any violation of any law or regulation for which mandatory revocation is required upon conviction;

4. Any felony in the commission of which a vessel is used;

5. Failure to stop, render aid, or identify the person as required under the laws of this state in the event of a boating accident resulting in death, personal injury, or damage to property;

6. Perjury or the making of a false affidavit or statement under oath to the Commissioner of Public Safety under this act or under any other law or rule relating to the ownership or operation of vessels;

7. Conviction upon three charges of reckless operation of a vessel committed within a period of twelve (12) months; and

8. Unauthorized use of a vessel belonging to another, which act does not amount to a felony.

J. The Commissioner may suspend the license or operating privilege of a vessel operator without preliminary hearing upon a showing by its records or other sufficient evidence that the operator did the following:

1. Committed an offense for which mandatory revocation is required upon conviction;

2. Was convicted of any offense related to the operation of a vessel while under the influence of alcohol or drugs which provides for suspension;

3. Was convicted of any offense of any law or regulation which provides for suspension;

4. Was convicted with frequency of serious offenses against boating or vessel operation laws or rules governing the movement of vessels as to indicate a disrespect for boating or vessel operation laws and a disregard for the safety of other persons on the waters of this state;

5. Was a habitually reckless, careless, or negligent operator of a vessel established by a record of accidents or by other evidence;

6. Was incompetent to operate a vessel;

7. Permitted an unlawful or fraudulent use of a vessel operator license;

8. Committed an offense in another state which if committed in this state would be grounds for suspension or revocation;

9. Was convicted of fleeing or attempting to elude, in a vessel, a police officer; or

10. Violated a restricted vessel operator license pursuant to Section 9 of this act.

K. Upon suspending the license or operating privilege of any person, the Commissioner of Public Safety shall immediately notify the person in writing and, upon request, shall afford the person an opportunity for a hearing as early as practicable, not to exceed thirty (30) days after receipt of the request, in the county where the person resides or in Oklahoma County in the case of a nonresident, unless the Commissioner of Public Safety and the person agree that the hearing may be held in some other county. The hearing shall be before the Commissioner of Public Safety or a duly authorized agent. At the hearing, the Commissioner of Public Safety, or duly authorized agent, may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and require a reexamination of the person. At the hearing, the Commissioner of Public Safety or duly authorized agent shall either rescind its order of suspension or,

upon good cause shown, may continue, modify, or extend the suspension or revoke the license or operating privilege of the person. If the license or operating privilege has been suspended as a result of operation while under the influence of alcohol, the Commissioner or agent conducting the hearing shall take into account, among other relevant factors, successful completion of any duly established waterway intoxication seminar, "DUI counterattack course", or similar educational program designed for problem-drinking operators. If the hearing is conducted by a duly authorized agent instead of by the Commissioner of Public Safety, the action of the agent shall first be approved by the Commissioner prior to implementation.

L. At the end of the period of suspension, a license surrendered to the Commissioner of Public Safety shall be returned to the person.

M. The Commissioner of Public Safety upon canceling, suspending, or revoking a license shall require that proof of license and any duplicates be surrendered to and be retained by the Commissioner of Public Safety. Any person whose license has been canceled, suspended, or revoked shall immediately return the license and any duplicates to the Commissioner of Public Safety. If the person refuses to surrender the license, the person shall be guilty of a misdemeanor.

N. Any resident or nonresident whose license or privilege to operate a vessel in this state has been suspended or revoked as provided in this section shall not operate a vessel in this state under a license or other approved valid document issued by any other jurisdiction or otherwise during the suspension or after revocation until a new Oklahoma license or privilege is obtained as permitted under this act.

O. Any person denied a license or whose license or operating privilege has been canceled, suspended, or revoked by the

Commissioner of Public Safety, except where cancellation, suspension, or revocation is mandatory under this act, shall have the right to file a petition within thirty (30) days for a hearing. In the case of cancellation, suspension, or revocation of a nonresident certification or operating privilege, the Department of Public Safety is vested with jurisdiction for hearing a petition for license or operating privilege. The Department of Public Safety shall set the matter for hearing upon thirty (30) days' written notice. At the hearing, the Commissioner of Public Safety may take testimony, examine the facts of the case, and determine whether the petitioner is entitled to a license or operating privilege under this section or is subject to suspension, cancellation, or revocation.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4318 of Title 63, unless there is created a duplication in numbering, reads as follows:

The provisions of this act will become effective on January 1 following the date of approval. Vessel operators shall be licensed no later than the end of the calendar year as required, according to the following timetable.

Age 16 but less than 23 years of age.....1st Year.

Age 23 but less than 29 years of age.....2nd Year.

Age 29 but less than 35 years of age.....3rd Year.

Age 35 through 40 years of age.....4th Year.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4319 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The "Oklahoma Boater Education Fund" is established as a revolving fund within the Department of Public Safety for funds collected pursuant to this act to be used exclusively for the implementation and continuation of the Oklahoma Vessel Operator Act requirements.

B. Funds collected and deposited in the Oklahoma Boater Education Fund shall be utilized for actual cost of supplies, travel, personnel expense, and other costs associated with education needs of the program. The State Boating Law Administrator shall administer the funds to meet the requirements of this act.

SECTION 21. This act shall become effective November 1, 1997.

46-1-5805

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