ENROLLED SENATE
BILL NO. 1105

By: Shurden of the Senate

and

Adair of the House

An Act relating to vessels and personal watercraft; amending 63 O.S. 1991, Section 4210, as last amended by Section 2, Chapter 337, O.S.L. 1996 (63 O.S. Supp. 1999, Section 4210), which relates to reckless or negligent operation of vessels; prohibiting operation of personal watercraft in reckless manner; amending 29 O.S. 1991, Section 6-302, as last amended by Section 1, Chapter 124, O.S.L. 1999 (29 O.S. Supp. 1999, Section 6-302), which relates to the taking of gamefish; prohibiting the operation of jet skis, jet boats and similar watercraft in certain locations on the Illinois River; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 4210, as last amended by Section 2, Chapter 337, O.S.L. 1996 (63 O.S. Supp. 1999, Section 4210), is amended to read as follows:

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

B. No person shall lease or otherwise give permission to another person 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 2-101 et seq. of this title, or any combination of alcohol and such substance.

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. No person shall operate, drive or be in actual physical control of any vessel on any waters of this state, except privately owned waters, at speeds in excess of the speed limits established for those waters.

F. No person shall operate on the waters of this state, except privately owned waters, any vessel, including personal watercraft, within fifty (50) feet in proximity to another vessel when running at speeds of over ten (10) miles per hour; provided, this prohibition shall not apply to vessels operating in sanctioned events.

G. No person under twelve (12) years of age may solely operate a personal watercraft on any waters of this state, except privately owned waters.

H. Any violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars ($250.00).

SECTION 2. AMENDATORY 29 O.S. 1991, Section 6-302, as last amended by Section 1, Chapter 124, O.S.L. 1999 (29 O.S. Supp. 1999, Section 6-302), is amended to read as follows:

Section 6-302. A. No person may take, kill or catch from any river, creek, lake, state pond or privately owned pond which is stocked by state or federal fish hatchery any game fish except by means of hook and line attached to a pole or rod, throwline, trotline or with speargun used by divers equipped with self-contained underwater breathing apparatus, except for white bass which may be taken by the use of a gig; nor may any person sell, offer to sell or have in possession for the purpose of selling any game fish. Game species open to taking by speargun include all except black bass, crappie, striped bass, walleye, northern pike and trout. Upon receiving information that damage to the fish population is occurring in any of the waters of this state, the Wildlife Conservation Commission shall give notice and hold a hearing to determine such fact and may, upon good cause shown, regulate the taking of fish to any extent necessary to protect fish in said waters of this state.

B. Fish taken under the above subsection shall be in accordance with the method of taking, length limits and bag limits which shall be set by Commission resolution. Except in certain areas specifically designated as less in rules promulgated by the Wildlife Conservation Commission, the Commission shall not promulgate any rule restricting a person from using less than seven rods while fishing.

C. No nonresident may have upon leaving the state more than a two-day bag limit of any species of game fish.

D. It shall be unlawful for any person to use in the waters of this state a speargun having more than three points with more than two barbs on each point.

E. 1. The portions of the Illinois River and its tributaries above the Horseshoe Bend Boat Ramp on Tenkiller Reservoir shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 1 of each year. The portions of the Illinois River and its tributaries above Highway 62 and Highway 51 shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 31 of each year.

2. Nothing shall prohibit motorized boats from being used in the upper Illinois River above the Horseshoe Bend boat ramp except that jet skis, jet boats and similar non-propeller-driven watercraft shall be prohibited in ~~this area~~ the Illinois River above the confluence with Barren Fork Creek.

F. 1. Except as otherwise provided for in this subsection, any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

2. Any person convicted of violating any provisions of this section by netting, snaglining or selling game fish shall be punished by imposition of a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of the provisions of this section by netting, snaglining or selling game fish when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 16th day of May, 2000.

President of the Senate

Passed the House of Representatives the 17th day of May, 2000.

Speaker of the House of Representatives