

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL NO. 1909____

By: Dank

AS INTRODUCED

An Act relating to public health and safety; requiring liability insurance for vessel operation; setting minimum policy limits; establishing what constitutes proof of insurance; authorizing seizure of vessels under certain circumstances; establishing penalties; providing for deposit of fine monies; establishing insurance criteria for boat livery; establishing certain dates for compliance with act; providing for codification; and declaring an emergency.

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 4111 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for the owner of a vessel, as defined by Section 4002 of Title 63 of the Oklahoma Statutes, to allow the operation of the vessel unless it is specifically scheduled on an insurance policy which has been issued by an insurer authorized to do business in this state. The policy shall provide liability coverage during the operation, occupancy, mooring, trailering, dry-dock, whether for repairs or storage or winterized during a specified "lay-up" time, as specified by the insurer. The insurance policy must provide at least Fifty Thousand Dollars (\$50,000.00) combined single-limit liability coverage, or split-limit coverage of at least Twenty-five Thousand Dollars (\$25,000.00) per person, Fifty Thousand Dollars (\$50,000.00) per accident, and Twenty-five Thousand Dollars (\$25,000.00) property damage.

B. This section shall not apply to the following:

1. Vessels owned by any United States agency, a state government or any political subdivision thereof; this is to include law enforcement agencies, all fire departments and recognized rescue agencies; or

2. A vessel registered in another state while visiting Oklahoma waters. Vessels registered in another state yet permanently moored in Oklahoma waters shall not be exempt from this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4112 of Title 63, unless there is created a duplication in numbering, reads as follows:

Failure to present proof of liability insurance as required by Section 1 of this act, when requested by a law enforcement officer duly recognized by the State of Oklahoma, creates a rebuttable presumption that the vessel is uninsured. For the purposes of this act, "proof of insurance" shall be recognized and accepted as follows:

1. A policy declarations page, or copy of said page;
2. A certificate of insurance, issued by the insurer or their designated state-licensed insurance agent; or
3. A vessel insurance verification card, or notice, the format as chosen by each individual insurer, providing the following information:
 - a. vessel owner, inception and expiration dates, insurer's name and policy number, and
 - b. description of boat, including hull identification number, year, make and model of vessel, with statement from insurer that their policy meets the minimum insurance requirement as required by Section 1 of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4113 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. If a vessel owner loans or otherwise provides use of the vessel, the owner is responsible for ensuring appropriate proof of insurance is on board the vessel and immediately available to the designated vessel operator for presentation to a law enforcement officer. If a vessel operator is detained by a law enforcement officer and the vessel owner has not made available the proof of insurance as required by this act, the vessel owner shall be cited for violation of Section 1 of this act. The law enforcement officer shall seize a vessel when in the control of an operator other than the vessel owner, if appropriate proof of insurance is not immediately available.

B. Seizure of a vessel does not exempt the registered owner from the appropriate violations of this act. The vessel will be stored at a facility designated by the Department of Public Safety where it is to be secured pending the registered owner providing proof of insurance as outlined by Section 2 of this act.

C. The vessel operator, if not the vessel owner, shall not be held responsible for the appropriate proof of insurance not being on board the vessel. The vessel operator will be responsible for all other Oklahoma vessel statutes.

D. If the vessel owner cannot provide proof of insurance to a law enforcement officer while operating the vessel, the vessel will be seized and stored at a facility designated by the Department of Public Safety, where it is to be secured pending the registered owner providing proof of insurance as outlined by Section 2 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4114 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The penalty for a first conviction of a violation of Section 1 of this act shall be a mandatory fine in the amount of One Hundred Dollars (\$100.00).

B. The penalty for the second conviction of a violation of Section 1 of this act shall be a mandatory fine in the amount of Two Hundred Fifty Dollars (\$250.00).

C. The penalty for the third conviction of a violation of Section 1 of this act shall be a mandatory fine in the amount of Five Hundred Dollars (\$500.00), plus a thirty-day jail sentence in the county jail.

D. However, if the operator of the vessel is involved in an accident on a body of water within the jurisdiction of the Department of Public Safety where the operator is cited for negligence or assigned liability for said accident and there is property damage over One Thousand Dollars (\$1,000.00) to the property of others, or there is any bodily injury sustained by another person whereby medical attention is required, the owner of the vessel will be subject to a maximum fine of One Thousand Dollars (\$1,000.00), plus a maximum one-hundred-eighty-day jail sentence, if the owner cannot provide required proof of insurance on the involved vessel. If the operator is not the owner, Section 3 of this act will prevail.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4115 of Title 63, unless there is created a duplication in numbering, reads as follows:

All fines collected under Section 4 of this act shall be deposited to a special account governed by the Department of Public Safety for use by the Lake Patrol for the purpose of establishing, maintaining and operating a program of boater training, safety and education throughout the state.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4116 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A boat livery, as defined in Section 4002 of Title 63 of the Oklahoma Statutes, must purchase liability insurance from an insurer

licensed to do business in the State of Oklahoma, with a minimum combined single-limit coverage amount of Three Hundred Thousand Dollars (\$300,000.00). Proof of coverage must be posted in an area within plain sight of all customers. The proof of coverage can be an accepted insurance certificate form the insurer or a licensed agent provides, or a copy of the current declarations page that must be presented to anyone on demand.

B. Before releasing a vessel to the client, a livery will provide each operator of the rented vessel instructions or information relating to the following:

1. The provisions of the applicable statutes pertaining to licensing and mandatory education;
2. Operational characteristics of the rented vessel; and
3. Boating regulations that apply in the area of operation of the vessel.

C. The boat livery shall ensure the individual renting the vessel must be on board as an operator or passenger at all times during the rental cycle.

D. The boat livery shall ensure that all operators hold valid certification that the operator has satisfactorily completed the boater education course as mandated by state law unless otherwise exempt as outlined by this section.

E. No rental contract may be negotiated by an individual under the age of twenty-one (21) years. No sole operator under the age of sixteen (16) years will be allowed to operate the vessel. Individuals under the age of sixteen (16) years shall only occupy the vessel as passengers.

F. The penalty for the first offense conviction of any violation of this section shall be a mandatory minimum fine of One Hundred Dollars (\$100.00).

G. The penalty for the second offense conviction of any violation of this section shall be a mandatory minimum fine of Two Hundred Fifty Dollars (\$250.00).

H. The penalty for the third offense conviction of any violation of this section shall be a mandatory minimum fine of Five Hundred Dollars (\$500.00), plus a thirty-day jail sentence in the county jail within the jurisdiction of the enforcing agency.

I. All fines collected under this section shall be deposited to a special account governed by the Department of Public Safety for use by the Lake Patrol for the purpose of establishing, maintaining and operating a program of boater training, safety and education throughout the state.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4117 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. On and after May 31, 2000, all vessels registered in the State of Oklahoma will be insured as outlined in Section 1 of this act. Proof of insurance will be presented before any authorized tag agent can issue the boat registration. Proof of insurance will be examined by the tag agent with a copy of said proof being retained by the authorized tag agent.

B. Vessels purchased after May 31, 2000, will be insured as outlined in Section 1 of this act. Proof of insurance will be presented before any authorized tag agent can issue the boat registration. Proof of insurance will be examined by the tag agent with a copy being retained by the authorized tag agent.

C. Proof of insurance must accompany all mail-in registration requests. If there is a question as to the validity of the proof of insurance, the tag agent will not issue the requested registration number.

D. On and after June 1, 2000, until revoked by this section all renewals for vessel registration will be accompanied by the appropriate proof of insurance as outlined in Section 2 of this act.

E. The Oklahoma Tax Commission, at their discretion, and as long as there is no conflict with current statutes, may adjust their rates for the boat registrations to allow for penalties for late registration filings or extraordinary situations demanding a greater than ordinary amount of time researching a particular title or registration.

SECTION 8. 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.

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