

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL NO. 1910____

By: Dank

AS INTRODUCED

An Act relating to public health and safety; establishing vessel operator qualifications; requiring certain documentation be in possession of vessel owner; providing exceptions; establishing penalties; authorizing deferral of sentencing under certain circumstances; authorizing Department of Public Safety to administer and approve boater safety courses; amending 63 O.S. 1991, Section 4031, as amended by Section 16, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1999, Section 4031), which relates to boat liveries; requiring boat liveries to verify vessel operator qualifications and provide certain training; 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 4231 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No person may operate a vessel, as that term is defined in Section 4002 of Title 63 of the Oklahoma Statutes, that is powered by a motor or combination of motors in excess of ten (10) horsepower or any sail-powered vessel sixteen (16) feet or greater in length on the waters of this state, as that term is defined in Section 4002 of Title 63 of the Oklahoma Statutes, unless the operator is sixteen (16) years of age or older or:

1. Is accompanied by a person eighteen (18) years of age or older so positioned on or in the vessel to take immediate control of the vessel; or

2. Is at least thirteen (13) years of age and has successfully completed a boating safety course prescribed and approved by the Department of Public Safety.

B. An owner or operator of a vessel who permits a person under sixteen (16) years of age to operate a vessel in a manner prohibited by the laws of the State of Oklahoma shall be charged with the same violations as the operator of the vessel.

C. This section applies only to a person who is:

1. Born on or after January 1, 1985; and

2. Operating on the waters of this state as that term is defined in Section 4002 of Title 63 of the Oklahoma Statutes:

a. a vessel powered by a motor or combination of motors in excess of ten (10) horsepower, or

b. a sail-powered vessel sixteen (16) feet or greater in length.

D. A person subject to this section must have in their immediate possession while operating a vessel on the waters of this state:

1. A photographic identification card; and

2. A boater identification card as issued by the Department of Public Safety.

E. The Department of Public Safety shall issue a boater identification card to a person who has successfully completed:

1. A boater education course approved by the Department of Public Safety; or

2. A course equivalency examination approved by the Department of Public Safety.

F. A boater identification card issued to a person who has successfully completed a boater education course or course equivalency examination does not expire.

G. Any person producing proof in court that a valid boater safety education identification card or equivalent form which has been issued by the Department of Public Safety reflecting such person has successfully completed a boater education course or is exempt from such course was in effect at the time of the alleged

offense of subsection D of this section shall be entitled to dismissal of such charge upon payment of court costs; however, if such proof is provided within forty-eight (48) hours after the violation, the charge shall be dismissed without payment of court costs.

H. A person is not required to comply with the certification required by this section if the person:

1. a. Holds a master's mate or operator's license issued by the United States Coast Guard, or
- b. Is accompanied by a person who:
 - (1) is otherwise exempt from the requirements of Section 4231 of Title 63 of the Oklahoma Statutes or possesses a boater identification card or endorsement as required by Section 4231 of Title 63 of the Oklahoma Statutes,
 - (2) is at least eighteen (18) years of age, and
 - (3) is positioned on or in the vessel in a position to take immediate control of the vessel being operated;
2. Is at least eighteen (18) years of age;
3. Is not a resident of this state and has proof the person has successfully completed a boater education course or equivalency examination in another state that is approved by the Department of Public Safety; or
4. Is exempt by rule of the Department of Public Safety.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4232 of Title 63, unless there is created a duplication in numbering, reads as follows:

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

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

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

D. The fine for a violation other than shown in this section shall be mandated by existing statutes for the particular violation. All fines collected under this section shall be deposited to a special account governed by the state boating law administrator as designated by the Commissioner of the Department of Public Safety for the purpose of establishing, maintaining and operating a program of boater training, safety and education throughout the State of Oklahoma.

E. A court may defer the imposition of a fine and place a defendant on probation for a period not to exceed sixty (60) days if the defendant:

1. Violates for the first time a provision of this section;
2. Pleads guilty or nolo contendere or is found guilty;
3. Requests permission from the court to attend a boater education course; and
4. Successfully completes a boater education course approved by the Department of Public Safety during the probation period.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4233 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall adopt rules to:

1. Administer a boater education program that is designed to educate persons about the safe operation of vessels;
2. Approve boater education courses that meet or exceed the minimum instruction requirement, as the requirement existed on

January 1, 1997, established by the National Association of State Boating Law Administrators;

3. Create an equivalency examination that may be taken, as the Department determines is consistent with promoting public safety in the operation of vessels, instead of the boater education course;

4. Ensure that boater education courses and examinations are available in each county;

5. Create exemptions from boater education requirements imposed by statute to the extent the exemptions are consistent with promoting public safety in the operation vessel; and

6. Create a standard form for a boater identification card to be issued to a person who successfully completes a boater education course or course equivalency examination, or an endorsement shall be attached to the person's Oklahoma driver license should provision be available through a digitized driver license system at the time of the effective date of this act.

B. The Department of Public Safety, by rule, may appoint agents to:

1. Administer a boater education course or course equivalency examination;

2. Issue boater identification cards under guidelines established by the Department of Public Safety; and

3. Amend the person's driver license, digitally, to reflect completion of the approved course or completion of the equivalency examination if said system has been implemented as reflected in Subsection C of this section.

C. Boating Safety course and examination documentation shall be forwarded to the Department of Public Safety no later than thirty (30) days after the date the examination or course is administered.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 4031, as amended by Section 16, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 1999, Section 4031), is amended to read as follows:

Section 4031. A. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel, the identification number of such vessel, the number of occupants of said vessel, the departure date and time, and the expected date and time of return. The record shall be preserved for at least six (6) months.

B. Neither the owner of a boat livery nor his agent or employee shall permit any vessel to be operated or to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to the Oklahoma Boating Safety Regulation Act and any rules promulgated thereto.

C. The owner of a boat livery shall be required to comply with the Oklahoma Vessel and Motor Registration Act, Section 4002 et seq. of this title.

D. Before releasing possession of a rented vessel, a vessel livery shall provide each operator of the rented vessel instructions relating to:

1. The provisions of Section 4231 of this title;
2. Operational characteristics of the rented vessel; and
3. Boating regulations that apply in the area of the operation of the vessel.

E. After providing the instruction required by subsection D of this section, and before releasing possession of the rented vessel, the vessel livery shall require each operator to sign an acknowledgment form indicating that the operator has received the required instruction. The vessel livery shall retain the form for at least six (6) months.

SECTION 5. This act shall become effective November 1, 2000.

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