

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 575

By: Herbert of the Senate

and

Corn and Nations of the
House

(Oklahoma Marine Sanitation Act - codification -

effective dates -

emergency)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

“(public health and safety - Oklahoma Marine Sanitation Act - amending 63 O.S, Section 4213 - marine sewage in state waters - total retention system - amending 63 O.S., Sections 4201, 4003, 4005, 4015, 4016, 4020 and 4030 - definitions - title and annual registration of vessels - codification - effective dates -

emergency)

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 3 through 11 of this act shall be known and may be cited as the “Oklahoma Marine Sanitation Act”.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 4213, as last amended by Section 4, Chapter 321, O.S.L. 1993 (63 O.S. Supp. 2000, Section 4213), is amended to read as follows:

Section 4213. A. No person shall place or dispose of marine sewage ~~in~~ from any vessel into any waters of this state.

B. ~~On and after July 1, 1995, no~~ No person shall operate a vessel equipped with a marine ~~toilet~~ sanitation device which is not a total retention system in accordance with ~~federal~~ United States Coast Guard regulations regarding marine ~~toilets~~ sanitation devices, as prescribed in 33 C.F.R Section 159, which are hereby adopted by the State of Oklahoma.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Marine Sanitation Act shall not be applicable to any lake that borders another state or shares enforcement jurisdiction with another state unless both states have identical laws and have reached a reciprocal agreement approved by the Legislature of each state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

In addition to the terms defined by the Oklahoma Vessel and Motor Registration Act and the Oklahoma Boating Safety Regulation Act, for the purposes of the Oklahoma Marine Sanitation Act:

1. "Center" means an official marine sanitation device inspection center at which official marine sanitation device inspections take place and which are permitted pursuant to the provisions of the Oklahoma Marine Sanitation Act;
2. "Commissioner" means the Commissioner of Public Safety;
3. "Department" means the Department of Public Safety;
4. "Inspector" means a person licensed as an official marine sanitation device inspector pursuant to the Oklahoma Marine Sanitation Act;

5. "Marine sanitation device" has the same meaning as such term is defined by Section 4201 of Title 63 of the Oklahoma Statutes;

6. "Marine sanitation device vessel" means any vessel which is twenty-four (24) feet or more in length or any other vessel which is equipped with at least one permanently installed marine sanitation device;

7. "Operate" means to navigate or be in actual physical control of a vessel or otherwise use a vessel or motor, and includes, but is not limited to, the docking, mooring, anchoring, or otherwise stopping or placing of a vessel on the waters of this state, and the inhabiting or occupying of a vessel on the waters of this state; and

8. "Valve" means sanitation diversion valve, including but not limited to a y-valve or a ballcock valve, or any other equipment that is capable of diverting marine sewage away from the total retention system of the marine sanitation device.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No person shall operate any marine sanitation device vessel subject to the provisions of the Oklahoma Marine Sanitation Act on the waters of this state unless the vessel:

1. Has been inspected by an official marine sanitation device inspector;

2. Displays at all times a current official marine sanitation device inspection decal;

3. Is equipped at all times, except as provided in subsection C of this section, with a lock installed by an inspector on each valve of the vessel; and

4. Carries the official marine sanitation device certificate of inspection or certificate of inspection exemption. The certificate shall be available for inspection at all times while the vessel is in this state.

B. The owner of every marine sanitation device vessel shall submit to the Oklahoma Tax Commission the designated copy of the current official marine sanitation device certificate of inspection or certificate of inspection exemption at the time of registration of the vessel as required by the Oklahoma Tax Commission.

C. 1. If an owner of a vessel intends to move a vessel out of state and to discharge a marine sanitation device in a location in which the discharge is authorized, the owner of any marine sanitation device vessel shall notify a marine sanitation device inspection center immediately prior to the vessel being moved.

2. Upon such notification, an inspector employed by the center shall remove the lock on the valve and shall issue an official marine sanitation device certificate of removal to the owner of the vessel. The certificate of removal shall be carried on the vessel and shall be available for inspection at all times while the vessel is in this state.

3. The inspector shall return the valve lock and one copy of the certificate of removal to the Department of Public Safety.

4. Upon returning the vessel to this state, the owner of the vessel shall have each marine sanitation device on the owner's vessel immediately reinspected pursuant to the Oklahoma Marine Sanitation Act.

5. The owner shall deliver the owner's copy of the official marine sanitation device certificate of removal to the inspector at the time of reinspection.

D. 1. The Commissioner of Public Safety may suspend or revoke the registration of any vessel which the Commissioner determines is not in compliance with the Oklahoma Marine Sanitation Act or for which a required inspection has not been obtained pursuant to the Oklahoma Marine Sanitation Act. Any person who has a vessel registration suspended or revoked under the provisions of this

subsection shall immediately forward the vessel registration to the Department.

2. Any owner aggrieved by the suspension or revocation of a vessel registration may submit, within thirty (30) days of receiving notice of the registration suspension or revocation, a written request to the Department for a hearing.

3. The hearing shall be governed by rules promulgated by the Department pursuant to the Administrative Procedures Act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. The Commissioner of Public Safety shall designate and issue:

- a. permits for official marine sanitation device inspection centers, and
- b. licenses for official marine sanitation device inspectors.

2. The permits and licenses shall be issued for a period not to exceed one (1) year and may be renewed annually.

3. The Commissioner shall provide official marine sanitation device certificates of inspection, official marine sanitation device decals, other necessary forms, and instructions and training to the centers and inspectors for the inspection of vessels as required by the Oklahoma Marine Sanitation Act, and shall provide for the issuance of certificates of inspection and decals.

B. 1. An application for a permit as an official marine sanitation device inspection center shall be made upon official forms and shall be granted only when the Commissioner, after appropriate inquiry and investigation, is:

- a. satisfied that the center is equipped in accordance with the requirements as prescribed by the Commissioner, and

b. convinced that the owner/operator is of good character and has competent personnel to make such inspections.

2. The Commissioner shall properly supervise and cause inspections to be made of the centers. The Commissioner may suspend, revoke, or not renew a permit issued to a center which is not properly equipped or conducted. The Commissioner shall maintain and post, at the office of the Department of Public Safety, lists of all centers holding valid permits and those centers for which permits have been revoked, suspended or not renewed.

3. No permit shall be revoked, suspended, or not renewed except upon notice to the holder and after an opportunity to be heard by the Commissioner. A permit may be temporarily suspended without notice pending any investigation or hearing.

4. Whenever any permit has been revoked, no permit shall be reissued to an applicant until after the expiration of the revocation period as determined by the Commissioner.

5. No permit for a center shall be assigned to or transferred to or used at any location other than the original designated center. No person shall in any manner represent any place as an official marine sanitation device inspection center unless the center is operating under a valid official marine sanitation device inspection center permit issued by the Department pursuant to the provisions of the Oklahoma Marine Sanitation Act and is plainly displaying such permit.

C. 1. An application for a license as an official marine sanitation device inspector shall be made upon official forms. Inspectors shall be licensed only after completing a course of training, as prescribed by the Commissioner. In addition, inspectors must complete any subsequent additional training, if deemed necessary by the Commissioner.

2. No fee shall be charged for the application for a license or the subsequent renewal of such license.

3. The Commissioner may suspend, revoke, or not renew a license issued to an inspector determined to be in violation of any provision of the Oklahoma Marine Sanitation Act.

4. No license shall be revoked, suspended, or not renewed except upon notice to the holder and after an opportunity to be heard by the Commissioner. A license may be temporarily suspended without notice pending any investigation or hearing.

5. Whenever any license has been revoked, no license shall be reissued to an applicant until after the expiration of the revocation period as determined by the Commissioner.

6. No license for an inspector shall be assigned to or transferred to or used by any other person than the original inspector. No person shall in any manner represent himself or herself as an official marine sanitation device inspector unless the person has a valid official marine sanitation device inspector license issued by the Department pursuant to the provisions of the Oklahoma Marine Sanitation Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. The person operating an official marine sanitation device inspection center shall ensure that each official marine sanitation device inspector employed by the center:

- a. issues an official marine sanitation device certificate of inspection to the owner of a vessel and affixes an official marine sanitation device inspection decal to the vessel upon inspecting the vessel, and
- b. determines that the marine sanitation device is a fully closed retention system, either by original design or after prescribed mechanical adjustments are made on the system, including, but not limited to, the

locking of the valves or other openings that could be used for overboard discharge.

2. Records and reports shall be made and maintained by centers upon every inspection performed and every certificate and decal so issued, as required by the Commissioner of Public Safety.

B. Centers shall obtain from the Commissioner a sufficient quantity of valve locks, official marine sanitation device certificates of inspection, official marine sanitation device certificates of inspection exemption, official marine sanitation device certificates of removal and official marine sanitation device decals that are to be placed on the inspected vessel indicating the vessel is in compliance with the Oklahoma Marine Sanitation Act and with the rules promulgated thereto.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Marina operators, new and used boat dealers, boat repair shops, and other businesses as may be designated by the Commissioner of Public Safety, shall:

1. Cooperate with the Commissioner to ensure that all vessels, marine toilets, marine sanitation devices and systems, and disposal systems are in compliance with the Oklahoma Marine Sanitation Act; and

2. In accordance with rules promulgated by the Commissioner, encourage prompt compliance with the Oklahoma Marine Sanitation Act.

B. Marina operators shall inform vessel owners and operators of the requirements of the Oklahoma Marine Sanitation Act when accepting new vessel storage customers.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.8 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No person shall display or cause to be displayed upon any vessel a certificate of inspection or a certificate of inspection exemption, certificate of removal or decal knowing the certificate or decal to be fictitious, issued for another vessel, or issued without an inspection having been made.

B. No person other than an official marine sanitation device inspector shall install or remove a lock required under the Oklahoma Marine Sanitation Act on a valve on any vessel.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.9 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Public Safety is hereby authorized to promulgate the rules deemed necessary for the administration and enforcement of the Oklahoma Marine Sanitation Act.

B. 1. The Commissioner may authorize the acceptance in this state of a current marine sanitation device certificate of inspection or a certificate of inspection exemption, and current marine sanitation device inspection decal issued by another state having marine sanitation device inspection requirements with standards at least as strict as those required by this state.

2. The Commissioner is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing official marine sanitation device certificates of inspection or certificates of inspection exemption and official marine sanitation device decals issued by those states.

C. Any officer or employee of the Department of Public Safety designated by the Commissioner, or any peace officer when authorized by the Commissioner, is granted the authority to enter, at all reasonable times, in or upon any vessel for the purpose of inspecting, investigating conditions, and conducting tests relating to marine sanitation devices or for any other purpose under the

Oklahoma Marine Sanitation Act, and to take applicable enforcement action, if necessary.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.10 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person who violates any provision of the Oklahoma Marine Sanitation Act, or rules promulgated pursuant thereto, shall, upon conviction thereof, be guilty of a misdemeanor and shall:

1. For the first offense, be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00); or

2. For a second or subsequent offense, be punished by a fine not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 12. AMENDATORY 63 O.S. 1991, Section 4201, as amended by Section 29, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 2000, Section 4201), is amended to read as follows:

Section 4201. In addition to the terms defined by the Oklahoma Vessel and Motor Registration Act, ~~Section 4002 et seq. of this title,~~ for the purposes of the Oklahoma Boating Safety Regulation Act, ~~Section 4201 et seq. of this title:~~

1. "Anchorage area" means a place specifically indicated by the authority in charge of a body of water for anchoring or mooring a vessel;

2. "Buoy" means an anchored marker for marking a position on the water, or a hazard, shoal or mooring, or any other prohibitive activity area;

3. "Capacity plate" means a sign posted in view of the operator's station on a vessel which designates the maximum weight capacity and horsepower restrictions of a vessel for safe operation;

4. "Class A vessel" means a vessel which is less than sixteen (16) feet in length;

5. "Class 1 vessel" means a vessel which is sixteen (16) feet or longer and less than twenty-six (26) feet in length;

6. "Class 2 vessel" means a vessel which is twenty-six (26) feet or longer and less than forty (40) feet in length;

7. "Class 3 vessel" means a vessel which is forty (40) feet or longer in length;

8. "Diver's flag" means a red flag not less than twenty (20) inches by twenty-four (24) inches with a four-inch white stripe running from one upper corner to a diagonal lower corner, and such flag is used to indicate a submerged diver;

9. "Emergency vessel" means any law enforcement vessel which is legally authorized to operate in the emergency mode;

10. "Law enforcement vessel" means any vessel legally authorized to operate under the color of law;

11. "Manipulate" means to guide, steer or otherwise control;

12. "Marine sewage" means any substance, treated or untreated, that contains any of the waste products of humans or animals or foodstuffs;

13. "Marine ~~toilet~~ sanitation device" means any latrine, head, lavatory ~~or~~, toilet or any other device or system intended to receive marine sewage and which is located on or in any vessel;

14. "Operator" means the person who operates, has actual physical control, or has charge of the navigation or use of a vessel;

15. "Parasail" means any device which, when airborne, is used or capable of being used for lifting or suspending a person who is being or will be towed by a vessel;

16. "Personal flotation device" means only a United States Coast Guard-approved flotation device;

17. "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motor power and which is designed to be operated by a person sitting, standing

or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, or a vessel which is similar in appearance and operation to a personal watercraft but which is powered by an outboard or propeller driven motor, or a vessel less than sixteen (16) feet in length which travels across the water above or on a cushion of air provided by engines, propellers or other means of propulsion;

18. "Reportable boating accident" means an accident, collision, or other casualty involving a vessel which results in loss of life, injury sufficient to require first aid or medical attention or actual physical damage to property in excess of Five Hundred Dollars (\$500.00);

19. "Sanctioned event" means any organized event on the waters of this state, including but not limited to regattas, motorboat or other boat races, marine parades, tournaments and exhibitions, which is approved and permitted by an authorizing agency;

20. "Under way" means the movement of a vessel whether by mechanical or nonmechanical means which is other than incidental to the force of wind, waves or current; and

21. "Wake" means the track of waves left by a vessel or other object moving through the water, and such waves are greater than the natural waves in the immediate area of the vessel, or are cresting and showing white water, or may cause injury or damage to any person or property.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 4003, as amended by Section 2, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 2000, Section 4003), is amended to read as follows:

Section 4003. A. 1. Except as otherwise provided in Sections 4005 and 4024 of this title, every vessel in this state, irrespective of whether used on waters of this state, is required to be titled within thirty (30) calendar days from:

a. the purchase date ~~or from,~~

b. the date the owner becomes a resident of this state,
or

c. the date the vessel, if twenty-four (24) feet or more
in length or if equipped with one or more permanently
installed marine sanitation devices, is docked in this
state,

and annually registered under the provisions of the Oklahoma Vessel and Motor Registration Act, ~~Section 4002 et seq. of this title.~~ The owner of any such vessel shall file an application as required by the Oklahoma Vessel and Motor Registration Act with the Oklahoma Tax Commission for a certificate of title, a number, and for the annual registration for such vessel on forms prescribed and furnished by the Commission.

2. The provisions of this subsection shall not apply to new vessels in the inventory or stock of licensed dealers for resale which new vessels shall be subject to ad valorem taxation.

3. Said provisions shall apply to and cover all used vessels in the possession and inventory of a licensed dealer except as provided for in Section 4036 of this title.

B. 1. Except as otherwise provided in Sections 4005 and 4024 of this title, every outboard motor in excess of ten (10) horsepower in this state, irrespective of whether used on waters of this state, is required to be titled within thirty (30) calendar days from the purchase date, or from the expiration of registration, or from the date the owner becomes a resident of this state and registered under the provisions of the Oklahoma Vessel and Motor Registration Act.

2. The owner of any such motor shall file an application as required by the Oklahoma Vessel and Motor Registration Act for a certificate of title and for an annual registration for such vessel on forms prescribed and furnished by the Oklahoma Tax Commission.

~~2.~~ 3. The provisions of this subsection shall not apply to new motors in the inventory or stock of licensed dealers for resale which such new motors shall be subject to ad valorem taxation.

~~3.~~ 4. Said provisions shall apply to and cover all used motors in the possession and inventory of a dealer except as provided for in Section 4036 of this title.

C. Any person engaged in the business of selling, trading, renting with option to purchase, or attempting to or negotiating sales or exchanges of interests in new or used vessels or motors, or new and used vessels or motors, or any combination thereof shall be licensed pursuant to Section 4033 of this title.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 4005, as last amended by Section 1, Chapter 152, O.S.L. 1994 (63 O.S. Supp. 2000, Section 4005), is amended to read as follows:

Section 4005. A. ~~A~~ Except as otherwise provided by this section, a vessel or motor shall not be required to be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, ~~Section 4002 et seq. of this title,~~ if:

1. Such vessel or motor is owned by the United States, a state other than the State of Oklahoma, or any agency thereof, or any subdivision of the state; provided, however, if such vessel is used for recreational or rental purposes on the waters of this state, said vessel shall be registered and numbered in accordance with ~~Section 4002 et seq. of this title~~ the Oklahoma Vessel and Motor Registration Act;

2. Such vessel or motor is owned by a visiting nonresident which is currently registered in another state. ~~Provided that if any such vessel or motor remains in Oklahoma in excess of sixty (60) calendar days, such vessel or motor shall be registered pursuant to the provision of the Oklahoma Vessel and Motor Registration Act and the registration fees due thereon from the date of entry into Oklahoma must be paid;~~

3. Such vessel or motor is from a country other than the United States provided such vessel or motor does not remain in Oklahoma in excess of sixty (60) calendar days;

4. Such vessel is used exclusively and solely as a lifeboat;

5. Such vessel is used exclusively and solely for racing purposes;

6. Such vessel is a commercial flotation device which is issued a permit by the ~~Oklahoma~~ Scenic ~~River~~ Rivers Commission pursuant to the provisions of ~~Section 1461 et seq. of Title 82 of the Oklahoma Statutes~~ the Scenic Rivers Act; provided, a commercial flotation device shall be required to be titled pursuant to the provisions of Section 4008 of this title; or

7. Such vessel is a documented vessel provided such documented vessel shall be required to be registered pursuant to the provisions of Section 4016 of this title.

B. 1. Any vessel or motor specified by subsection A of this section shall be required to be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act if:

a. the vessel is twenty-four (24) feet or more in length or is equipped with one or more permanently installed marine sanitation devices and is docked in Oklahoma in excess of thirty (30) calendar days, or

b. the vessel or any motor remains in Oklahoma in excess of sixty (60) calendar days.

2. The registration fees for such vessel or motor due thereon shall be paid from the date of entry into Oklahoma.

C. Motors classified as inboard motors shall not be required to be titled or registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

~~C.~~ D. All vessels and motors which are owned by the State of Oklahoma, its agencies or departments, or political subdivisions

thereof, or which, under the law, would be exempt from direct ad valorem taxation, shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

~~D.~~ E. All other vessels shall be titled and registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

SECTION 15. AMENDATORY 63 O.S. 1991, Section 4015, as amended by Section 10, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 2000, Section 4015), is amended to read as follows:

Section 4015. A. Except as otherwise provided by Sections 4005 and 4024 of this title, every owner of a vessel or motor possessing a certificate of title shall make an application for the registration of such vessel or motor with the Oklahoma Tax Commission or with a motor license agent within thirty (30) calendar days from ~~the~~ the:

1. The purchase date, ~~or from the~~;
2. The expiration of registration, ~~or from the~~;
3. The date the owner becomes a resident of this state; or
4. The date the vessel, if twenty-four (24) feet or more in length or if equipped with one or more permanently installed marine sanitation devices, is docked in this state.

B. The application shall contain such information as shall be required by the Oklahoma Tax Commission pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, ~~Section 4002 et seq. of this title.~~

SECTION 16. AMENDATORY 63 O.S. 1991, Section 4016, as last amended by Section 2, Chapter 332, O.S.L. 1999 (63 O.S. Supp. 2000, Section 4016), is amended to read as follows:

Section 4016. A. Every owner of a vessel, when making application for registration, shall furnish the following information:

1. A full description of the vessel including the manufacturer's serial, model, or other identification number, the

manufacturer's factory delivered price, and the total delivered price of said vessel;

2. The correct name and address, the name of the city, county and state in which the person in whose name the vessel is to be registered resides;

3. The county of location of the vessel; ~~and~~

4. The designated copy of the current official marine sanitation device certificate of inspection or certificate of inspection exemption for the vessel, if the vessel is a marine sanitation device vessel, as defined in the Oklahoma Marine Sanitation Act; and

5. Such other information as may be prescribed by the Oklahoma Tax Commission.

B. 1. Upon the filing of a registration application for a vessel and the payment of the fees provided for in the Oklahoma Vessel and Motor Registration Act, ~~Section 4002 et seq. of this title,~~ the Oklahoma Tax Commission shall issue the owner of the vessel a certificate of registration and two registration decals and shall also assign a permanent number for the vessel described in the application. An application shall be denied if the vessel is a marine sanitation device vessel and the application is not accompanied by a copy of the current official marine sanitation device certificate of inspection or certificate of inspection exemption for the vessel.

2. The registration decals and the permanent number shall be recorded on the annual registration certificate covering such vessel. The permanent number shall be displayed upon the vessel as required by Section 4030 of this title.

C. The current certificate of registration shall be legible and available for inspection at all times.

D. On all new and used vessels, prior to receipt of the certificate of registration and the registration decals, the

dealer's bill of sale shall be available for inspection at all times for the first thirty (30) calendar days from the date of purchase. Thereafter, prior to receipt of the certificate of registration and the registration decals, the official registration receipt from the Oklahoma Tax Commission or a motor license agent shall be available for inspection at all times.

SECTION 17. AMENDATORY 63 O.S. 1991, Section 4020, is amended to read as follows:

Section 4020. ~~Beginning January 1, 1990, the~~ A. The Oklahoma Tax Commission shall annually notify through the mail all persons within the state who have previous vessel or motor registrations on record of the period for registration. Such notice shall contain all necessary information for such registration including ~~a,~~ but not limited to:

1. A breakdown of all charges to be paid by the owner and shall contain instructions;

2. Instructions as to the procedure for renewal upon presentation to a motor license agent or by return mail to the Commission's state office; and

3. Information regarding the requirement for an annual inspection, pursuant to the Oklahoma Marine Sanitation Act, for all vessels that are twenty-four (24) feet or more in length or are equipped with a permanently installed marine sanitation device.

B. On the back of such registration notice form there shall be an explanation of the apportionment of all fees and penalties collected and their disposition. Such explanation shall include information as to all charges and fees included in the total fee or incident to the registration of a vessel or motor. If the owner chooses the option of receiving these services through the mail, either from the Commission or a motor license agent, ~~he~~ the owner shall be instructed to pay the final total listed. The cost of mailing shall be One Dollar (\$1.00) for titles or other forms or

devices required by the Oklahoma Vessel and Motor Registration Act. Provided, that the Commission may adjust any mailing costs as deemed appropriate to allow for increased or additional fees charged by the United States Postal Service.

C. Failure by any applicant to receive notification of renewal as provided by this section shall not excuse the applicant from properly obtaining any registration at the proper time by presenting proof of ownership to the Commission's state office or to a motor license agent.

SECTION 18. AMENDATORY 63 O.S. 1991, Section 4030, as last amended by Section 5, Chapter 332, O.S.L. 1999 (63 O.S. Supp. 2000, 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 both current registration decals, 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~~ a nonresident using the waters of this state, except that:

a. if any such vessel is twenty-four (24) feet or more in length or is equipped with one or more permanently installed marine sanitation devices and is docked in Oklahoma in excess of thirty (30) calendar days, such

vessel shall display a permanent number assigned to it by the Oklahoma Tax Commission pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, or

- b. if any other such vessel or motor remains in Oklahoma in excess of sixty (60) calendar days, such vessel or motor shall display a permanent number assigned to it by the Tax Commission pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act;

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 Tax 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~~ the Scenic Rivers Act.

C. Except as otherwise provided for in this section, every vessel and every outboard motor on the waters of this state shall display the current registration decals or decal assigned to it by the ~~Oklahoma~~ Tax Commission.

D. 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.

The provisions of this section shall not apply to sailboards.

SECTION 19. Sections 1, 2, 3, 6, 8, 10, 11, 12, and 17 of this act shall become effective July 1, 2001.

SECTION 20. Sections 4, 7, and 9 of this act shall become effective October 1, 2002.

SECTION 21. Sections 5, 13, 14, 15, 16, and 18 of this act shall become effective April 1, 2003.

SECTION 22. 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 House of Representatives the 10th day of April, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate