

AS INTRODUCED

An Act relating to public health and safety; creating the Oklahoma Marine Sanitation Act; providing short title; amending 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), which relates to disposing of marine sewage in state waters; requiring use of a marine sanitation device which is a total retention system in certain vessels; providing for adoption of certain United States Coast Guard regulations; providing definitions; requiring certain inspections of every MSD vessel registered in this state; requiring installation of a lock on each Y-valve inspected; providing for MSD vessel inspection decals; stating parameters of operating MSD vessels on the waters of this state; requiring owners to submit certain certificate to the Oklahoma Tax Commission; providing for suspension of registration; providing for permits for MSD inspection centers; providing for licensing MSD inspectors; providing for decals, forms, certificates and instruction for MSD inspections; providing for application for permit; providing for certain fee; authorizing the Commissioner of Public Safety to cause inspection to be made; providing for suspension or revocation of permit; providing for hearing; requiring MSD inspection center permit to be displayed; providing for MSD certificates to be issued to the owner of the vessel; requiring affixation of certain decal on vessel; requiring official MSD centers to maintain certain records; providing for inspection fee; providing for distribution of inspection fee; requiring certain businesses to comply with the act; making it illegal to display certain fictitious certificates; making it illegal to remove certain locks on a Y-valve of any vessel; providing for promulgation of rules; authorizing the Commissioner to enter into certain reciprocal agreements with other states; authorizing certain persons to enter vessels to conduct certain purposes relating to marine sanitation; stating penalties; setting fines; amending 63 O.S. 1991, Section 4201, as amended by Section 29, Chapter 284, O.S.L. 1992 (63 O.S. Supp. 2000, Section 4201), which relates to definitions; modifying certain definitions; amending 63 O.S. 1991, Sections 4003, as amended by Section 2, Chapter 284, O.S.L. 1992, 4005, as last amended by Section 1, Chapter 152, O.S.L. 1994, 4015, as amended by Section 10, Chapter 284, O.S.L. 1992, 4016, as last amended by Section 2, Chapter 332, O.S.L. 1999, 4019, 4024, and 4030, as last amended by Section 5, Chapter 332, O.S.L. 1999 (63 O.S. Supp. 2000, Sections 4003, 4005, 4015, 4016 and 4030), which relate to title and annual registration of vessels; adding requirement; modifying certain exceptions; adding requirement for application for registration for certain vessels;

adding requirement for registration of certain vessels; providing for denial of registration for certain vessels; setting effective dates for registration of fees; providing for delinquency of fees; providing penalty for late registration of certain vessels; requiring certain vessels to display permanent numbers assigned by the Oklahoma Tax Commission; providing for codification; providing effective dates; 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 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:

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. "Act" means the Oklahoma Marine Sanitation Act;
2. "Commissioner" means the Commissioner of Public Safety;

3. "Department" means the Department of Public Safety;

4. "MSD" means marine sanitation device, as defined in paragraph 13 of Section 4201 of Title 63 of the Oklahoma Statutes;

5. "MSD 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 marine sanitation device;

6. "Operate", in addition to the definition in paragraph 23 of Section 4002 of Title 63 of the Oklahoma Statutes, shall include the docking, mooring, anchoring, or otherwise stopping or placing of a vessel on the waters of this state, and shall also include the inhabiting or occupying of a vessel on the waters of this state; and

7. "Y-valve" means any equipment that is capable of diverting marine sewage away from the total retention system of the marine sanitation device;

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:

The owner of every MSD vessel that is registered or operated in this state shall submit such vessel annually to be inspected by an official MSD inspector to ensure compliance with this act and shall pay the fee required by Section 7 of this act. Upon approval by the inspector and installation of a lock on each Y-valve on the vessel by the inspector, the owner shall obtain from the inspector two copies of an official MSD certificate of inspection for and shall have affixed by the inspector an official MSD inspection decal on each such vessel.

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 MSD vessel on the waters of this state unless such vessel:

1. Has been inspected by an official MSD inspector;

2. Displays at all times a current official MSD inspection decal;

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

4. Carries the official MSD certificate of inspection to be available for inspection at all times while the vessel is in this state.

B. The owner of every MSD vessel shall submit to the Oklahoma Tax Commission the designated copy of the current official MSD certificate of inspection at the time of registration of such vessel as required by the Tax Commission.

C. 1. The owner of any MSD vessel shall notify an official MSD inspector immediately prior to the vessel being moved to waters into which marine sanitation devices may legally be discharged if the owner intends to discharge any such device on the owner's vessel into the waters. Upon such notification, the inspector shall remove the lock on the Y-valve and shall issue an official MSD 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. The MSD inspection center may charge and retain a fee of no more than Twenty Dollars (\$20.00) for the removal of the Y-valve lock;

2. The inspector shall return the Y-valve lock and one copy of the certificate of removal to the Department of Public Safety; and

3. 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 this act. The owner shall deliver the owner's copy of the official MSD certificate of removal to the official MSD inspector at the time of inspection.

D. The Commissioner may suspend the registration of any vessel which the Commissioner determines is not in compliance with this act

or for which a required inspection has not been obtained pursuant to this act. Any person who shall have a vessel registration suspended under the provisions of this subsection shall immediately forward the vessel registration to the Department. Any owner aggrieved by the suspension of a vessel registration may submit, within thirty (30) days of receiving notice of the registration suspension, a written request to the Department for a hearing before the Department. The hearing shall be governed by rules established by the Department that meet the requirements of the Oklahoma 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 permits for official MSD inspection centers and shall designate and issue licenses for official MSD inspectors. The permits and licenses shall be issued for a period not to exceed one year and shall be renewed annually.

2. The Commissioner shall provide official MSD certificates of inspection, official MSD decals, other necessary forms, and instructions and training to the inspection centers and inspectors for the inspection of vessels as required by this act and the issuance of certificates of inspection and decals.

B. 1. An application for a permit as an official MSD inspection center shall be made upon official forms and shall be granted only when the Commissioner, after appropriate inquiry and investigation, is satisfied that the center is equipped in accordance with the requirements as prescribed by the Commissioner and is convinced that the owner/operator is of good character and has competent personnel to make such inspections. Applications for a permit for an official MSD inspection center shall be accompanied

by a fee of Twenty-five Dollars (\$25.00). Each annual renewal thereafter shall be Five Dollars (\$5.00).

2. The Commissioner shall properly supervise and cause inspections to be made of such centers and shall suspend or revoke the permit and require the surrender of the 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 permits and those centers which permits have been revoked.

3. No permit shall be revoked or suspended 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. 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.

4. No permit for an official MSD inspection center shall be assigned or transferred or used at any location other than the original designated center. No person shall in any manner represent any place as an official MSD inspection center unless such center is operating under a valid official MSD inspection center permit issued by the Department and is plainly displaying such permit.

C. An application for a license as an official MSD inspector shall be made upon official forms. Official MSD inspectors shall be licensed only after completing a course of training, as prescribed by the Commissioner, and must complete any subsequent additional training, if deemed necessary. No fee shall be charged for the application for a license or the subsequent renewal of such license.

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 MSD inspection center shall ensure that each official MSD inspector employed by the center shall issue an official MSD certificate of inspection to the owner of a vessel and affix an official MDS inspection decal to the vessel upon inspecting such vessel and determining 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 Y-valves or other openings that could be used for overboard discharge.

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

B. Official MSD centers shall obtain from the Commissioner an ample quantity of Y-valve locks, official MSD certificates of inspection, official MSD certificates of removal and official MSD decals that are to be placed on the inspected vessel indicating the vessel is in compliance with this act and with the rules pertaining to this act, as promulgated by the Commissioner.

C. Official marine sanitation inspection centers shall charge and collect an inspection fee of not less than Twenty Dollars (\$20.00) nor more than Forty Dollars (\$40.00) for each vessel inspected pursuant to the provisions of this act, which shall be distributed as follows:

1. Twenty Dollars (\$20.00) shall be remitted to the Department of Public Safety to be deposited in the Department of Public Safety Revolving Fund to be expended solely for the purpose of administering this act and conducting a marine sanitation public awareness and education program; and

2. The balance, in an amount not to exceed Twenty Dollars (\$20.00), shall be retained by the inspection center.

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 cooperate with the Commissioner to ensure that all vessels, marine toilets, marine sanitation devices and systems, and disposal systems are in compliance with this act.

B. Marina operators, new and used boat dealers, boat repair shops and others businesses as may be designated by the Commissioner, shall, in accordance with rules promulgated by the Commissioner, encourage prompt compliance of this act.

C. When accepting new vessel storage customers, marina operators shall inform vessel owners and operators of the requirements of this act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4213.8 of Title 47, unless there is created a duplication in numbering, reads as follows:

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

B. No person other than an official MSD inspector shall install or remove a lock required under this act on a Y-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 47, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Public Safety is hereby authorized to promulgate any rules deemed necessary for the administration and enforcement of this act.

B. The Commissioner may authorize the acceptance in this state of a current MSD certificate of inspection and current MSD

inspection decal issued by another state having marine sanitation device inspection requirements with standards at least as strict those required by this state. The Commissioner is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing official MSD certificates of inspection and official MSD decals issued by those states.

C. Any officer or employee of the Department of Public Safety designated by the Commissioner, or any police or 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 this 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 this act, or rules promulgated pursuant thereto, shall, upon conviction, be deemed guilty of a misdemeanor and shall:

1. For the first offense, be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00); or

2. For a second or subsequent offense, be punished by a fine not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00).

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 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.

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 Tax Commission.

2. 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. 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 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;

2. Such vessel or motor is owned by a visiting nonresident which is currently registered in another state. Provided that if any such vessel is twenty-four (24) feet or more in length or if equipped with one or more marine sanitation devices and is docked in Oklahoma in excess of thirty (30) calendar days, such vessel shall be registered pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act and the registration fees due thereon from the date of entry into Oklahoma must be paid. Provided further that if any other such vessel or any 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; 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. 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. 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. 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 marine sanitation devises, is docked in this state.

B. The application shall contain such information as shall be required by the 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 MSD certificate of inspection for the vessel, if the vessel is an MSD vessel, as defined in Section 3 of this act; and

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

B. 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; provided, the application shall be denied if the vessel is an MSD vessel and the application is not accompanied by a copy of the current official MSD certificate of inspection for the vessel. 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 Tax Commission or a motor license agent shall be available for inspection at all times.

SECTION 17. AMENDATORY 63 O.S. 1991, Section 4019, is amended to read as follows:

Section 4019. A. 1. The registration fees herein levied upon vessels and motors located within this state shall be due on the first day of July each year and shall become delinquent on the first day of August thereafter.

2. Any person owning a vessel or motor subject to the provisions of this subsection and failing or refusing to file application for the registration of such vessel or motor and to pay the annual registration fees as provided by the Oklahoma Vessel and Motor Registration Act, on or before the 31st day of July each year, shall be deemed delinquent.

B. On the registration of new vessels or new motor purchased in this state and on new or used vessels or motors used in this state or brought into this state between July 1 and September 30, inclusive, of any year the payment of the full annual registration and license fee shall be collected; and between October 1 and December 31, inclusive, of any year the payment of three-fourths (3/4) the annual registration and license fee shall be collected; and between January 1 and March 31, inclusive, of any year the payment of one-half (1/2) the annual registration and license fee shall be collected; and between April 1 and June 30, inclusive, of any year the payment of one-fourth (1/4) of the annual registration and license fee shall be collected.

C. 1. Effective July 1, 2002, three-fourths (3/4) of the registration fees herein levied upon vessels and motors located within this state shall be due on July 1, 2002, and shall become delinquent on August 1, 2002.

2. Any person owning a vessel or motor subject to the provisions of this subsection and failing or refusing to file application for the registration of such vessel or motor and to pay the annual registration fees as provided by the Oklahoma Vessel and Motor Registration Act, on or before July 31, 2002, shall be deemed delinquent.

D. Effective July 1, 2002, on the registration of a new vessel or new motor purchased in this state and on a new or used vessel or motor used in this state or brought into this state between:

1. July 1, 2002, and September 30, 2002, inclusive, the payment of three-fourths (3/4) of the annual registration and license fee shall be collected;

2. October 1, 2002, and December 31, 2002, inclusive, the payment of one-half (1/2) of the annual registration and license fee shall be collected; or

3. January 1, 2003, and March 31, 2003, inclusive, the payment of one-fourth (1/4) of the annual registration and license fee shall be collected.

E. 1. Effective April 1, 2003, the registration fees herein levied upon vessels and motors located within this state shall be due on April 1 of each year and shall become delinquent on May 1 thereafter.

2. Any person owning a vessel or motor subject to the provisions of this subsection and failing or refusing to file application for the registration of such vessel or motor and to pay the annual registration fees as provided by the Oklahoma Vessel and Motor Registration Act, on or before July 31 of each year, shall be deemed delinquent.

F. On the registration of a new vessel or new motor purchased in this state and on a new or used vessel or motor used in this state or brought into this state between:

1. April 1 and June 30, inclusive, of any year the payment of the full annual registration and license fee shall be collected;

2. July 1 and September 30, inclusive, of any year the payment of three-fourths (3/4) the annual registration and license fee shall be collected;

3. October 1 and December 31, inclusive, of any year the payment of one-half (1/2) the annual registration and license fee shall be collected; or

4. April 1 and June 30, inclusive, of any year the payment of one-fourth (1/4) of the annual registration and license fee shall be collected.

SECTION 18. AMENDATORY 63 O.S. 1991, Section 4024, is amended to read as follows:

Section 4024. A. In the event a new vessel or a new motor is not registered within thirty (30) calendar days from the date purchased in this state by a resident of this state, the penalty shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the registration fee. The rate of the registration fee shall be fixed and determined by the date of the sale by the dealer of said new vessel or motor to the purchaser.

B. If a new or used vessel or motor is brought into Oklahoma by a resident of this state and is not registered within thirty (30) calendar days from the date such vessel or motor enters the state as required by the Oklahoma Vessel and Motor Registration Act, the penalty shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the registration fee.

C. If a vessel or motor is purchased or is brought into Oklahoma by a nonresident of this state and such vessel or motor remains over sixty (60) calendar days and is not registered as

required by the Oklahoma Vessel and Motor Registration Act, the penalty shall be Twenty-five Dollars (\$25.00).

D. If a vessel which is twenty-four (24) feet or more in length or which is equipped with one or more marine sanitation devices is docked in this state over thirty (30) calendar days and is not registered as required by the Oklahoma Vessel and Motor Registration Act, the penalty shall be Twenty-five Dollars (\$25.00).

E. Any person in this state owning a vessel or motor subject to the provisions of this subsection and failing or refusing to file application for the registration of such vessel or motor and to pay the registration fee as required by the Oklahoma Vessel and Motor Registration Act, within one(1) month after the expiration date, shall be deemed delinquent and there shall be added a penalty of twenty-five cents (\$0.25) per day on the registration fee for each day such registration is delinquent. The penalty for failure to register shall accrue for a three-month calendar period. Thereafter, the penalty shall be Twenty-five Dollars (\$25.00), provided that in no event shall the penalty exceed an amount equal to the registration fee.

~~E.~~ F. The failure to register any vessel or motor as required by the Oklahoma Vessel and Motor Registration Act shall in addition to penalties, subject such vessel or motor to the seizure provisions as provided in the Oklahoma Vehicle License and Registration Act.

SECTION 19. 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. Provided that if any such vessel is twenty-four (24) feet or more in length or if equipped with one or more 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 Tax Commission pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act. Provided further that 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.

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

SECTION 21. Sections 4, 7, and 9 of this act shall become effective October 1, 2002.

SECTION 22. Sections 5, 13, 14, 15, 16, 18, and 19 of this act shall become effective April 1, 2003.

SECTION 23. 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.

48-1-136

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