STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 498

By: Pruitt, Rabon, Riley, Mazzei, Reynolds, Ford, Nichols, Lamb, Jolley and Wilcoxson of the Senate

and

Miller (Doug) of the House

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-101, which relates to license usage; adding certain licenses for which duplicates shall be issued; amending 29 O.S. 2001, Section 4-110, as last amended by Section 2, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2004, Section 4-110), which relates to fishing licenses; adding certain exemption; amending 29 O.S. 2001, Section 4-112, as last amended by Section 1 of Enrolled Senate Bill No. 685 of the 1st Session of the 50th Oklahoma Legislature, which relates to hunting licenses; clarifying language; providing exemption from certain license requirements for certain disabled veterans; amending 29 O.S. 2001, Section 4-114, as last amended by Section 4, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-114), which relates to lifetime hunting and fishing licenses; providing for a disability lifetime combination hunting/fishing license for certain disabled veterans; establishing fees for lifetime license; clarifying statutory citation; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-101, is amended to read as follows:

Section 4-101. A. All licenses and permits issued by the Director of Wildlife Conservation, the Department of Wildlife Conservation or by any of its agents shall be used only in

conformity with the provisions of this title and the rules promulgated by the Oklahoma Wildlife Conservation Commission.

B. All persons making application for any licenses required by this section shall produce a valid license to operate a motor vehicle or other positive proof of identification, age and residency, and any such license issued shall show such data as well as the date and time of issuance.

C. All licenses are nontransferable. No person shall alter, change, lend or transfer any license. No person shall use or borrow a license which has not been issued to that person by the Director, the Department or by any of its agents pursuant to the provisions of this section.

D. No person may engage in activities requiring a license without that person's carrying such license on their person and producing the same for an inspection upon the demand of any Oklahoma citizen or game warden.

E. Any person required to produce a license must also identify themselves as the person to whom such license was issued, and failure or refusal to comply shall be deemed prima facie evidence of a violation of this section.

F. Unless otherwise provided in this Code:

1. All licenses shall terminate December 31 for the year issued; and

2. Any person convicted of violating any of the provisions of this title may have any or all licenses held by that person or the privilege of applying for, purchasing or exercising the benefits conferred by the licenses revoked by the Department in accordance with rules promulgated by the Commission or by a court of competent jurisdiction for a period of not less than one (1) year. For purposes of this paragraph, a court conviction, a plea of guilty, a plea of nolo contendere, the imposition of a deferred or suspended

sentence by a court, or forfeiture of bond shall be deemed a conviction.

G. Should licenses provided under ~~Sections~~ Section 4-110, 4-112 ~~or~~, 4-113, 4-119, 4-120, 4-128, 4-130, 4-136, 4-138 or 4-140 of this title be lost or destroyed, duplicates will be issued by the Department at a fee of One Dollar and fifty cents ($1.50).

H. Upon harvesting any whitetail or mule deer, or any other wildlife where the hunter, according to Commission rules, is required to check the wildlife in at a Department check station, the taker of the wildlife shall:

1. Securely attach the name and license number to the carcass of the wildlife;

2. Transport to and check in the carcass of the wildlife at the nearest hunter check station that is open or with an authorized Department employee; and

3. Not remove evidence of the sex of the animal until after the carcass of the animal has been checked in.

I. It shall be unlawful for any license or permit holder to knowingly make a false statement or give false information to any person operating an authorized hunter check station or to an authorized Department employee when complying with the provisions of subsection H of this section. Information which may be collected at a Department check station shall include but not be limited to the name, address, license or permit number and signature of the taker, the date, time, county, method or weapon of the kill, sex and weight of carcass, whether or not the animal was taken on public hunting land and if so in what area, or any other information which may be required by the Commission.

J. Any person convicted of violating the provisions of this section or of making a false statement or giving any false information in order to acquire any license or permit, pursuant to the provisions of this section, shall be punishable by a fine of not

less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment.

K. Any person who has had their license privileges revoked shall not be entitled to purchase, apply for, or exercise the benefits conferred by any license until the revocation period has expired or the person has obtained approval from the Director. Any person violating the provisions of this subsection, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in a county jail for a term of not more than ninety (90) days or by both the fine and imprisonment. Upon conviction under this subsection, the previously granted license revocation period shall be extended by two (2) additional years.

SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-110, as last amended by Section 2, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2004, Section 4-110), is amended to read as follows:

Section 4-110. A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner, use, have in possession, sell, or transport all or any portion of fish without having first procured a license for such from the Director or from any of the authorized agents of the Department of Wildlife Conservation. The Wildlife Conservation Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

B. Pursuant to the provisions of this Code, persons excepted from the license requirements of this section are:

1. Legal residents under sixteen (16) years of age and nonresidents under sixteen (16) years of age from states which do

not require nonresident fishing licenses for persons under sixteen (16) years of age;

2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older, provided such resident has obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

3. Legal residents born on or before January 1, 1923;

4. Legal resident veterans having a disability of sixty percent (60%) or more;

5. Legal resident owners or tenants, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who fish in private ponds on land owned or leased by them;

6. Every Oklahoma citizen who is serving in a branch of the United States Armed Forces, is on properly authorized leave of absence from military duty, has in possession proper written evidence showing such authorized leave, and is serving outside the State of Oklahoma at the time of such fishing;

7. Any patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally disabled persons when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;

8. Any person under eighteen (18) years of age who is in the legal and physical custody of the State of Oklahoma or one of its agencies by court order;

9. Any person under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes;

10. Any person who is legally blind or who has any other physical impairment, as certified by a physician licensed in this state or any state which borders this state, which prevents the person from properly using fishing apparatus without the assistance of another person, and any one person actually accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

11. Nonresidents under fourteen (14) years of age;

12. Job Corps trainees of this state, provided that such trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present such card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

13. Any legal resident having a proven disability which renders the resident nonambulatory and confined to a wheelchair as certified by a physician licensed in this state or any state which borders this state; ~~and~~

14. Any person who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits in the county in which the person is a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which the person is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

15. Any person participating in an aquatic education event or clinic sanctioned by the Department of Wildlife Conservation.

C. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, the fee for an annual license issued pursuant to the provisions of this section shall be:

1. For legal residents eighteen (18) years of age and older, Nineteen Dollars ($19.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars ($4.00). For a two-day resident permit license, Nine Dollars ($9.00); and

2. For nonresidents, Thirty-six Dollars ($36.00), provided the Commission may enter into reciprocity agreements with states wherein nonresident license fees shall be in conformity with such reciprocal agreements. For a five-day nonresident permit license, Seventeen Dollars and fifty cents ($17.50). Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars ($5.00) of the license fee for nonresidents, and One Dollar and fifty cents ($1.50) of the five-day nonresident permit fee shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title.

D. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, or postal employees receiving disability benefits pursuant to 5 U.S.C., Section 8451 (1998), may purchase a disability fishing license from the Director for Ten Dollars ($10.00) for five (5) years.

E. 1. Any person arrested while violating the provisions of this section who does not meet the requirements of subsection H of this section, may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

a. for legal residents, Fifty Dollars ($50.00), and

b. for nonresidents, Ninety Dollars ($90.00).

2. Except as otherwise provided by this subsection, the fees from licenses purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund to

be used exclusively for developing, managing, preserving, and protecting wildlife and wildlife habitat.

F. Unless a substitute license is purchased as provided for by subsection E of this section, any resident of this state convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

G. Unless a substitute license is purchased as provided for by subsection E of this section, any nonresident convicted of violating this section shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

H. Any person producing proof in court that a current fishing license issued by the Department of Wildlife Conservation to such person was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs; however, if proof of fishing license is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.

SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 1 of Enrolled Senate Bill No. 685 of the 1st Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code, no person may hunt, pursue, trap, harass, catch, kill, take or attempt to take in any manner, use, have in possession, sell, or transport all or any portion of any wildlife except fish, without having first procured a license

for such from the State Wildlife Conservation Director or from any authorized agents of the Department of Wildlife Conservation. The Wildlife Conservation Commission shall designate a consecutive Saturday and Sunday in September of each year as free hunting days in which residents of this state may hunt without first procuring a hunting license pursuant to the provisions of this section.

B. Pursuant to the provisions of this Code, persons excepted from the license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age;

2. Legal residents of Oklahoma sixty-four (64) years of age or older provided such persons have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title;

3. Legal residents born on or before January 1, 1923;

4. Legal resident veterans having a disability of sixty percent (60%) or more;

5. Legal resident owners or tenants who hunt on land owned or leased by them;

6. Every citizen of Oklahoma serving in a branch of the United States Armed Forces, who is on properly authorized leave from military duty, who has in their possession proper written evidence showing such authorized leave, and who is serving outside the State of Oklahoma at the time of such hunting;

7. Any nonresident under fourteen (14) years of age;

8. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state; and

9. Any person under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes.

C. Except as otherwise provided for in ~~the Oklahoma Wildlife Conservation~~ this Code, the fees for licenses listed in this subsection are:

1. a. Annual hunting licenses for nonresidents hunting game other than deer, antelope, or elk, One Hundred Thirty-six Dollars ($136.00); for deer, Two Hundred Dollars ($200.00); for antelope and elk, Three Hundred Dollars ($300.00). There shall be no exemptions for deer, antelope, elk, or turkey. Any nonresident with a commercial hunting area big game ten-day permit as provided for in paragraph 3 of subsection D of this section shall not be required to have an annual nonresident hunting license pursuant to this subparagraph. For a five-day nonresident hunting license to hunt game other than deer, antelope, elk, turkey, or pheasant, the fee shall be Forty-one Dollars and fifty cents ($41.50).

   b. Annual combination hunting licenses for nonresidents hunting one antlered and one antlerless deer, Two Hundred Fifty Dollars ($250.00); for nonresidents hunting an additional antlerless deer, Fifty Dollars ($50.00) which shall be valid only on private lands not managed by the Department of Wildlife Conservation.

   c. Of the amount of monies collected pursuant to the provisions of this paragraph, Five Dollars ($5.00) of the license fee for hunting game other than deer, antelope and elk, Five Dollars ($5.00) of the license fee for hunting deer, Five Dollars ($5.00) of the license fee for hunting antelope and elk and Two Dollars and fifty cents ($2.50) of the five-day hunting license shall be deposited in the Wildlife

Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title.

2. Disability hunting license, residents of this state for at least six (6) months and who are receiving Social Security Disability benefits, Supplemental Security Income benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, may purchase a disability hunting license from the Director for Ten Dollars ($10.00) for five (5) years.

3. Deer gun hunting license, residents, Nineteen Dollars ($19.00). There shall be no exemptions except for residents sixty-four (64) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title and for legal residents of Oklahoma under eighteen (18) years of age provided such residents shall be required to pay a deer gun hunting license fee of Nine Dollars ($9.00). In addition, ~~veterans who are totally disabled as certified by the U.S. Department of Veterans Affairs~~ residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate shall be exempt from the fees specified pursuant to this paragraph.

4. Deer archery hunting license, residents, Nineteen Dollars ($19.00). No exemptions except residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate shall be exempt from the fees specified pursuant to this paragraph.

5. Primitive firearms license, residents, Nineteen Dollars ($19.00). No exemptions except residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in

receipt of compensation at the one-hundred-percent rate shall be exempt from the fees specified pursuant to this paragraph.

6. Elk or antelope hunting license, residents, Fifty Dollars ($50.00). No exemptions.

7. Bonus, special or second deer gun hunting license, residents, Nineteen Dollars ($19.00). No exemptions except for residents sixty-five (65) years of age or older provided such residents have obtained a senior citizen's license pursuant to the provisions of Section 4-133 of this title. In addition, veterans who are totally disabled, if certified by the U.S. Department of Veterans Affairs shall be exempt from the fees specified pursuant to this paragraph.

D. The fees for hunting licenses, except as provided for in the Oklahoma Wildlife Conservation Code, are:

1. For legal residents eighteen (18) years of age and older, Nineteen Dollars ($19.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars ($4.00);

2. Commercial hunting area small game ten-day permit, resident or nonresident, Five Dollars ($5.00); and

3. Commercial hunting area big game ten-day permit, resident or nonresident, Two Hundred One Dollars ($201.00) plus Ten Dollars ($10.00) for each additional deer license, of any type, that may be purchased from the commercial hunting area. The commercial hunting area may obtain the licenses from the Director for use at the commercial hunting area.

E. The provisions of this section shall not be construed to require a hunting license, resident or nonresident, of any person merely because the person participates, as owner or handler of an entry, as an official, or as a spectator in the conduct of a field trial or performance test of dogs, whether a resident or nonresident of the State of Oklahoma. No license to hunt shall be required of any person engaged in training or working dogs, provided said person

is in no way engaged in hunting and does not take or attempt to take in any manner any game.

F. 1. Any person arrested for hunting game other than deer, antelope, elk, or turkey without a valid hunting license as required by the provisions of subsection A of this section may purchase a substitute temporary thirty-day license from the arresting game warden in lieu of posting bond. Proof of hunter safety certification will not be required for such temporary substitute license. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

a. for legal residents, Fifty Dollars ($50.00), and

b. for nonresidents, One Hundred Forty-five Dollars ($145.00).

2. Except as otherwise provided for by this subsection, the fees from licenses purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, preserving, and protecting wildlife and wildlife habitat.

G. Any person producing proof in court that a current hunting license issued by the Department of Wildlife Conservation to such person was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs; however, if proof of hunting license is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.

H. Unless a substitute license is purchased as provided for by subsection F of this section, any resident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00), or by imprisonment in the county

jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

I. Unless a substitute license is purchased as provided for by subsection F of this section, any nonresident convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

SECTION 4. AMENDATORY 29 O.S. 2001, Section 4-114, as last amended by Section 4, Chapter 513, O.S.L. 2004 (29 O.S. Supp. 2004, Section 4-114), is amended to read as follows:

Section 4-114. A. All legal residents who have resided in the state for at least six (6) months may purchase lifetime fishing licenses, lifetime hunting licenses or lifetime combination hunting/fishing licenses from the State Wildlife Conservation Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, Two Hundred Dollars ($200.00);

2. Lifetime hunting license, Six Hundred Dollars ($600.00);

3. Lifetime combination hunting/fishing license, Seven Hundred Fifty Dollars ($750.00);

4. Lifetime hunting license for persons sixty (60) years of age or older, Two Hundred Dollars ($200.00);

5. Lifetime fishing license for persons sixty (60) years of age or older, Thirty Dollars ($30.00); and

6. Lifetime combination hunting/fishing license for persons sixty (60) years of age or older, Two Hundred Fifteen Dollars ($215.00).

C. <u>Legal resident having proper certification from the United States Department of Veterans Affairs or its successor certifying that the person is a disabled veteran may purchase a disability</u>

lifetime combination hunting/fishing license from the State Wildlife Conservation Director. The fees for the license shall be as follows:

1. Two Hundred Dollars ($200.00) for veterans having a disability of less than sixty percent (60%); and

2. Twenty-five Dollars ($25.00) for veterans having a disability of sixty percent (60%) or more.

D. The use of the licenses provided in this section are subject to those restrictions provided by statute and the regulations of the Wildlife Conservation Commission. Except as otherwise provided for in this section, the lifetime hunting license shall be in lieu of all annual hunting licenses and all special season permits.

~~D.~~ E. Nonresidents may purchase a lifetime nonresident fishing license. The fee for such license shall be Two Hundred Fifty Dollars ($250.00).

~~E.~~ F. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department of Wildlife Conservation for a fee of Ten Dollars ($10.00).

~~F.~~ G. A lifetime licensee shall not lose the privileges of such license by a subsequent transfer of residency.

~~G.~~ H. 1. In addition to the fees imposed pursuant to subsections B, C and ~~D~~ E of this section, a person purchasing a lifetime fishing, hunting or combination license shall be required to purchase a Lifetime Oklahoma Wildlife Land Stamp. Each person shall have the stamp in their possession while hunting, fishing, or taking any wildlife. The fee for the Lifetime Oklahoma Wildlife Land Stamp shall be Twenty-five Dollars ($25.00). The fee for the stamp shall be distributed as follows:

a. Twenty Dollars ($20.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section ~~2~~ 4-141 of this ~~act~~ title, to be used to retire the obligations and related expenses as

authorized pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes; and

b. Five Dollars ($5.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section ~~2~~ 4-141 of this ~~act~~ title, to be used by the Commission for management of the real property acquired pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes.

2. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Lifetime Oklahoma Wildlife Land Stamp.

3. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section ~~5~~ 168.9 of ~~this act~~ Title 73 of the Oklahoma Statutes, the Lifetime Oklahoma Wildlife Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

SECTION 5. This act shall become effective July 1, 2005.

SECTION 6. 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.

50-1-7342 KB 04/19/05