

EHB 1240

THE STATE SENATE
Monday, April 11, 2005

ENGROSSED

House Bill No. 1240

As Amended

ENGROSSED HOUSE BILL NO. 1240 - By: BERGE, AUFFET, BRANNON,
McMULLEN, NANCE, SMITHSON and WESSELHOFT of the House and RILEY of
the Senate.

**[game and fish - hunting licenses - adding exemptions -
effective date -
emergency]**

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-112, as
last amended by Section 1, Chapter 284, O.S.L. 2004 (29 O.S. Supp.
2004, Section 4-112), 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 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

1 this state may hunt without first procuring a hunting license
2 pursuant to the provisions of this section.

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

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

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

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

10 4. Legal resident veterans having a disability of sixty percent
11 (60%) or more;

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

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

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

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

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

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

7 1. a. Annual hunting licenses for nonresidents hunting game
8 other than deer, antelope, or elk, One Hundred Thirty-
9 six Dollars (\$136.00); for deer, Two Hundred Dollars
10 (\$200.00); for antelope and elk, Three Hundred Dollars
11 (\$300.00). There shall be no exemptions for deer,
12 antelope, elk, or turkey. Any nonresident with a
13 commercial hunting area big game ten-day permit as
14 provided for in paragraph 3 of subsection D of this
15 section shall not be required to have an annual
16 nonresident hunting license pursuant to this
17 subparagraph. For a five-day nonresident hunting
18 license to hunt game other than deer, antelope, elk,
19 turkey, or pheasant, the fee shall be Forty-one
20 Dollars and fifty cents (\$41.50).

21 b. Annual combination hunting licenses for nonresidents
22 hunting one antlered and one antlerless deer, Two
23 Hundred Fifty Dollars (\$250.00); for nonresidents

1 hunting an additional antlerless deer, Fifty Dollars
2 (\$50.00) which shall be valid only on private lands
3 not managed by the Department of Wildlife
4 Conservation.

5 c. Of the amount of monies collected pursuant to the
6 provisions of this paragraph, Five Dollars (\$5.00) of
7 the license fee for hunting game other than deer,
8 antelope and elk, Five Dollars (\$5.00) of the license
9 fee for hunting deer, Five Dollars (\$5.00) of the
10 license fee for hunting antelope and elk and Two
11 Dollars and fifty cents (\$2.50) of the five-day
12 hunting license shall be deposited in the Wildlife
13 Land Acquisition Fund created pursuant to the
14 provisions of Section 4-132 of this title.

15 d. The Oklahoma Wildlife Department shall not issue any
16 nonresident deer, antelope, or elk licenses to
17 residents of any other state which has a deer season
18 but does not allow Oklahoma residents the opportunity
19 to purchase general unrestricted nonresident licenses
20 in their state.

21 2. Disability hunting license, residents of this state for at
22 least six (6) months and who are receiving Social Security
23 Disability benefits, Supplemental Security Income benefits or

1 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
2 Section 231a, may purchase a disability hunting license from the
3 Director for Ten Dollars (\$10.00) for five (5) years.

4 3. Deer gun hunting license, residents, Nineteen Dollars
5 (\$19.00). There shall be no exemptions except for residents sixty-
6 four (64) years of age or older provided such residents have
7 obtained a senior citizen's license pursuant to the provisions of
8 Section 4-133 of this title and for legal residents of Oklahoma
9 under eighteen (18) years of age provided such residents shall be
10 required to pay a deer gun hunting license fee of Nine Dollars
11 (\$9.00). In addition, ~~veterans who are totally disabled as~~
12 ~~certified by the U.S. Department of Veterans Affairs~~ persons with
13 proper certification from the United States Department of Veterans
14 Affairs or its successor, certifying that the person is a disabled
15 veteran in receipt of compensation at the one-hundred-percent rate
16 shall be exempt from the fees specified pursuant to this paragraph.

17 4. Deer archery hunting license, residents, Nineteen Dollars
18 (\$19.00). No exemptions, except persons with proper certification
19 from the United States Department of Veterans Affairs or its
20 successor, certifying that the person is a disabled veteran in
21 receipt of compensation at the one-hundred-percent rate shall be
22 exempt from the fees specified pursuant to this paragraph.

1 5. Primitive firearms license, residents, Nineteen Dollars
2 (\$19.00). No exemptions, except persons with proper certification
3 from the United States Department of Veterans Affairs or its
4 successor, certifying that the person is a disabled veteran in
5 receipt of compensation at the one-hundred-percent rate shall be
6 exempt from the fees specified pursuant to this paragraph.

7 6. Elk or antelope hunting license, residents, Fifty Dollars
8 (\$50.00). No exemptions.

9 7. Bonus, special or second deer gun hunting license,
10 residents, Nineteen Dollars (\$19.00). No exemptions except for
11 residents sixty-five (65) years of age or older provided such
12 residents have obtained a senior citizen's license pursuant to the
13 provisions of Section 4-133 of this title. In addition, ~~veterans~~
14 ~~who are totally disabled, if certified by the U.S. Department of~~
15 ~~Veterans Affairs~~ persons with proper certification from the United
16 States Department of Veterans Affairs or its successor, certifying
17 that the person is a disabled veteran in receipt of compensation at
18 the one-hundred-percent rate shall be exempt from the fees specified
19 pursuant to this paragraph.

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

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

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

6 3. Commercial hunting area big game ten-day permit, resident or
7 nonresident, Two Hundred One Dollars (\$201.00) plus Ten Dollars
8 (\$10.00) for each additional deer license, of any type, that may be
9 purchased from the commercial hunting area. The commercial hunting
10 area may obtain the licenses from the Director for use at the
11 commercial hunting area.

12 E. The provisions of this section shall not be construed to
13 require a hunting license, resident or nonresident, of any person
14 merely because the person participates, as owner or handler of an
15 entry, as an official, or as a spectator in the conduct of a field
16 trial or performance test of dogs, whether a resident or nonresident
17 of the State of Oklahoma. No license to hunt shall be required of
18 any person engaged in training or working dogs, provided said person
19 is in no way engaged in hunting and does not take or attempt to take
20 in any manner any game.

21 F. 1. Any person arrested for hunting game other than deer,
22 antelope, elk, or turkey without a valid hunting license as required
23 by the provisions of subsection A of this section may purchase a

1 substitute temporary thirty-day license from the arresting game
2 warden in lieu of posting bond. Proof of hunter safety
3 certification will not be required for such temporary substitute
4 license. The fee for a substitute license purchased pursuant to the
5 provisions of this subsection shall be:

- 6 a. for legal residents, Fifty Dollars (\$50.00), and
- 7 b. for nonresidents, One Hundred Forty-five Dollars
8 (\$145.00).

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

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

22 H. Unless a substitute license is purchased as provided for by
23 subsection F of this section, any resident convicted of violating

1 the provisions of this section shall be punished by the imposition
2 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
3 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
4 jail for a period not to exceed thirty (30) days, or by both said
5 fine and imprisonment.

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

13 SECTION 2. This act shall become effective July 1, 2005.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-7-05 -
19 DO PASS, As Amended.