

SB 1495

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THE STATE SENATE
Thursday, February 23, 2006

Senate Bill No. 1495
As Amended

SENATE BILL NO. 1495 - By: CORN, LAMB and LEFTWICH of the Senate and MILLER (Ken) of the House.

[public health and safety - Kyle Williams Boating Safety Education Act - codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4231 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 6 of this act shall be known and may be cited as the "Kyle Williams Boating Safety Education Act".

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

A. No person born on or after January 1, 1991, shall operate any vessel powered by a motor or combination of motors in excess of ten (10) horsepower or any sail-powered vessel sixteen (16) feet or greater in length on the waters of this state unless the operator has:

1. Successfully completed a course in safe boating that meets or exceeds the minimum instruction standards as established by the

1 National Association of State Boating Law Administrators in effect
2 at the time such a course is completed or passes a proctored
3 equivalency examination which tests the knowledge of information
4 included in the curriculum of such a course; and

5 2. Received a Boating Safety Education Certificate as evidence
6 of successful completion of any National Association of State
7 Boating Law Administrators approved course or equivalency
8 examination.

9 B. A person twelve (12) years of age or older who has not
10 reached sixteen (16) years of age may operate a vessel powered by a
11 motor or combination of motors in excess of ten (10) horsepower or
12 any sail-powered vessel sixteen (16) feet or greater in length on
13 the waters of this state if such person has:

14 1. Met the requirements listed in subsection A of this section;
15 and

16 2. Is accompanied by a competent adult, eighteen (18) years of
17 age or older, who is in a position on or in the vessel to take
18 immediate control of the vessel being operated.

19 C. The Department of Public Safety shall promulgate rules
20 necessary for:

21 1. The certification of programs and tests for boating safety
22 education offered by other public or private organizations;

1 2. The administration of a boating safety education program;
2 and

3 3. The issuance of boating safety education certificates.

4 D. A Boating Safety Education Certificate issued by the
5 Department of Public Safety to a person who has successfully
6 completed a boating safety education course or course equivalency
7 examination shall not expire.

8 E. A person who is operating a vessel on the waters of this
9 state shall have in his or her immediate possession:

10 1. The original Boating Safety Education Certificate as proof
11 the operator meets the requirements of this section; or

12 2. Proof that the operator is otherwise exempt from this
13 section.

14 Failure to present such proof upon request by a peace officer
15 shall be prima facie evidence of a violation of this section.

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

19 Except as otherwise provided, a person is not required to comply
20 with the certification required by Section **2** of this act if the
21 person:

22 1. Possesses a valid license to operate a vessel for maritime
23 personnel by the United States Coast Guard pursuant to 46 Code of

1 Federal Regulations, Part 10, or an equivalent license issued by a
2 foreign government;

3 2. Is at least eighteen (18) years of age and possesses a
4 dealer demonstration permit and is operating a vessel, with consent
5 of the dealer, and contemplating purchase of the vessel, so long as
6 this intent is limited to a consecutive seventy-two hour period, or
7 a weekend;

8 3. Is the purchaser of a new or used vessel who is at least
9 eighteen (18) years of age and operating such vessel while in
10 possession of the bill of sale or current certificate of
11 registration during the first sixty (60) calendar days from the date
12 of purchase; or

13 4. Is not a resident of this state and has proof the person has
14 successfully completed a boating safety education course or
15 equivalency examination in another state or foreign country that is
16 approved by the Department of Public Safety.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 4234 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 It shall be unlawful for any person to:

21 1. Alter, forge, counterfeit or falsify any Boating Safety
22 Education Certificate issued under the laws of this or any other
23 state;

1 2. Possess a Boating Safety Education Certificate that has been
2 altered, forged, counterfeited or falsified;

3 3. Lend or to sell to, or knowingly permit the use of by one
4 not entitled thereto, any Boating Safety Education Certificate; or

5 4. Make a false statement or to knowingly conceal a material
6 fact or otherwise commit a fraud in any such application for a
7 Boating Safety Education Certificate.

8 SECTION 5. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 4235 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Any violation of the provisions of Section 1 shall
12 constitute a misdemeanor and upon conviction thereof, shall be
13 punishable by a fine of not less than Fifty Dollars (\$50.00) and not
14 more than One Hundred Dollars (\$100.00). Any second or subsequent
15 conviction shall be punishable by a fine in an amount of not less
16 than Two Hundred Fifty Dollars (\$250.00), nor more than Five Hundred
17 Dollars (\$500.00).

18 B. A violation of the provisions of Section 3 shall constitute
19 a misdemeanor and upon conviction thereof, shall be punishable by a
20 fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more
21 than One Thousand Dollars (\$1,000.00).

22 C. All fines collected under this section shall be deposited to
23 the Boating Safety Education Fund administered by the State Boating

1 Law Administrator as designated by the Commissioner of Public Safety
2 for the purpose of establishing, maintaining and operating a program
3 of boating safety education throughout the State of Oklahoma.

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

- 7 1. Is a first-time violator of a provision of this section;
- 8 2. Pleads guilty or nolo contendere or is found guilty;
- 9 3. Requests permission from the court to attend a boating
10 safety education course; and
- 11 4. Successfully completes a boating safety education course
12 approved by the Department of Public Safety during the probation
13 period.

14 E. Any person producing proof in court that a valid Boating
15 Safety Education Certificate or equivalent form recognized by the
16 Department of Public Safety reflecting such person has successfully
17 completed a boating safety education course or is exempt from such
18 course was in effect at the time of the alleged offense of Section 1
19 shall be entitled to dismissal of such charge upon payment of court
20 costs. If such proof is provided within two (2) regular business
21 days after the violation, the charge shall be dismissed without
22 payment of court costs.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4236 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Department of Public Safety to be designated as the
6 "Boating Safety Education Fund". The fund shall be a continuing
7 fund, not subject to fiscal year limitations, and shall consist of
8 fine monies collected pursuant to Section 5 of this act and any
9 monies contributed to the fund from any other source. All monies
10 accruing to the credit of such fund are hereby appropriated and
11 shall be budgeted and expended by the Department for the exclusive
12 purposes of establishing and maintaining a boating safety education
13 program throughout the State of Oklahoma. Expenditures from such
14 fund shall be made upon warrants issued by the State Treasurer
15 against claims filed as prescribed by law with the Director of State
16 Finance for approval and payment.

17 SECTION 7. This act shall become effective January 1, 2007.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO
19 PASS, As Amended and Coauthored.