

3 Senate Bill No. 498
4 As Amended

5 SENATE BILL NO. 498 - By: PRUITT and RABON of the Senate and MILLER
6 (Doug) of the House.

7 [game and fish - hunting licenses - exception - exemptions
8 - effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-112, as
12 last amended by Section 1, Chapter 284, O.S.L. 2004 (29 O.S. Supp.
13 2004, Section 4-112), is amended to read as follows:

14 Section 4-112. A. Except as otherwise provided for in the
15 Oklahoma Wildlife Conservation Code, no person may hunt, pursue,
16 trap, harass, catch, kill, take or attempt to take in any manner,
17 use, have in possession, sell, or transport all or any portion of
18 any wildlife except fish, without having first procured a license
19 for such from the State Wildlife Conservation Director or from any
20 authorized agents of the Department of Wildlife Conservation. The
21 Wildlife Conservation Commission shall designate a consecutive
22 Saturday and Sunday in September of each year as free hunting days
23 in which residents of this state may hunt without first procuring a
24 hunting license pursuant to the provisions of this section.

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

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

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

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

8 4. Legal resident veterans having a disability of sixty percent
9 (60%) or more;

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

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

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

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

22 9. A veteran who is disabled to a compensable degree as
23 determined by the United States Department of Veterans Affairs. In

1 addition, such person may be issued a free hunting and fishing
2 permit; and

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

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

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

1 b. Annual combination hunting licenses for nonresidents
2 hunting one antlered and one antlerless deer, Two
3 Hundred Fifty Dollars (\$250.00); for nonresidents
4 hunting an additional antlerless deer, Fifty Dollars
5 (\$50.00) which shall be valid only on private lands
6 not managed by the Department of Wildlife
7 Conservation.

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

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

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

7 3. Deer gun hunting license, residents, Nineteen Dollars
8 (\$19.00). There shall be no exemptions except for residents sixty-
9 four (64) years of age or older provided such residents have
10 obtained a senior citizen's license pursuant to the provisions of
11 Section 4-133 of this title and for legal residents of Oklahoma
12 under eighteen (18) years of age provided such residents shall be
13 required to pay a deer gun hunting license fee of Nine Dollars
14 (\$9.00). In addition, veterans who are totally disabled as
15 certified by the U.S. Department of Veterans Affairs shall be exempt
16 from the fees specified pursuant to this paragraph.

17 4. Deer archery hunting license, residents, Nineteen Dollars
18 (\$19.00). No exemptions **except for veterans who are disabled to a**
19 **one hundred percent (100%) or more compensable degree by the United**
20 **States Department of Veterans Affairs.**

21 5. Primitive firearms license, residents, Nineteen Dollars
22 (\$19.00). No exemptions **except for veterans who are disabled to a**

1 one hundred percent (100%) or more compensable degree by the United
2 States Department of Veterans Affairs.

3 6. Elk or antelope hunting license, residents, Fifty Dollars
4 (\$50.00). No exemptions.

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

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

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

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

20 3. Commercial hunting area big game ten-day permit, resident or
21 nonresident, Two Hundred One Dollars (\$201.00) plus Ten Dollars
22 (\$10.00) for each additional deer license, of any type, that may be
23 purchased from the commercial hunting area. The commercial hunting

1 area may obtain the licenses from the Director for use at the
2 commercial hunting area.

3 E. The provisions of this section shall not be construed to
4 require a hunting license, resident or nonresident, of any person
5 merely because the person participates, as owner or handler of an
6 entry, as an official, or as a spectator in the conduct of a field
7 trial or performance test of dogs, whether a resident or nonresident
8 of the State of Oklahoma. No license to hunt shall be required of
9 any person engaged in training or working dogs, provided said person
10 is in no way engaged in hunting and does not take or attempt to take
11 in any manner any game.

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

- 20 a. for legal residents, Fifty Dollars (\$50.00), and
21 b. for nonresidents, One Hundred Forty-five Dollars
22 (\$145.00).

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

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

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

21 I. Unless a substitute license is purchased as provided for by
22 subsection F of this section, any nonresident convicted of violating
23 the provisions of this section shall be punished by the imposition

1 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
2 than Five Hundred Dollars (\$500.00), or by imprisonment in the
3 county jail for a period not to exceed six (6) months, or by both
4 said fine and imprisonment.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-17-05
11 - DO PASS, As Amended and Coauthored.