

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 2027

By: Jolley

AS INTRODUCED

An Act relating to mandatory boating safety education; defining certain persons who may operate certain powered motor or sail-powered vessels; establishing requirements for operating specified vessels; authorizing the Department of Public Safety to promulgate rules for boating safety education certification; designating persons not required to comply with boating safety education certification; enumerating violations relating to boating safety education certificates; fixing penalties; directing the disposition of fines; authorizing courts to defer the imposition of fines in lieu of other penalties; providing an exemption to penalties within a certain time period; creating the Boating Safety Education Fund; directing proceeds of the fund be used for specific purposes; providing for codification; and providing an 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:

A. No person under eighteen (18) years of age 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 requirement, as the requirement existed on January 1, 2006, established by the National Association of State Boating Law Administrators or passes a proctored equivalency examination which tests the knowledge of information included in the curriculum of such a course; and

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

B. The Department of Public Safety shall promulgate rules necessary for:

1. The certification of programs and tests for boater safety education offered by other public or private organizations;
2. The administration of a boater safety education program; and
3. The issuance of boater safety education certificates.

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

E. A person who is operating a vessel on the waters of this state shall have in their immediate possession:

1. The original Boater Safety Education Certificate as proof the operator meets the requirements of this section; or
2. Proof that the operator is otherwise exempt from this section.

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

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:

Except as otherwise provided, a person is not required to comply with the certification required by Section 1 of this act if the person is not a resident of this state and has proof that such person has successfully completed a boater education course or equivalency examination in another state or foreign country that is approved by the Department of Public Safety.

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

It shall be unlawful for any person to:

1. Alter, forge, counterfeit or falsify any Boating Safety Education Certificate issued under the laws of this or any other state; or
2. Possess a Boating Safety Education Certificate that has been altered, forged, counterfeited or falsified; or
3. Lend or to sell to, or knowingly permit the use of by one not entitled thereto, any Boating Safety Education Certificate; or
4. To make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application for a Boating Safety Education Certificate.

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

A. Any violation of the provisions of Section 1 of this act shall be punishable by a fine of not more than Fifty Dollars (\$50.00). Any second or subsequent violation shall be punishable by a fine in an amount of not more than One Hundred Dollars (\$100.00).

B. A violation of the provisions of Section 3 of this act shall be punishable by a fine of not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Hundred Fifty Dollars (\$250.00).

C. All fines collected under this section shall be deposited to Boating Safety Education Fund administered by the State Boating Law Administrator as designated by the Commissioner of Public Safety for the purpose of establishing, maintaining and operating a program of boater training, safety and education throughout the State of Oklahoma.

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

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

E. Any person producing proof in court that a valid Boater Safety Education Certificate or equivalent form recognized by the Department of Public Safety reflecting such person has successfully completed a boater education course or is exempt from such course was in effect at the time of the alleged violation of a provision of Section 1 of this act shall be entitled to dismissal of such charge upon payment of court costs. If such proof is provided within ninety-six (96) hours or four (4) business days, whichever is later, after the violation, the charge shall be dismissed without payment of court costs.

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

There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Public Safety to be designated as the "Boating Safety Education Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of fines collected pursuant to Section 4 of this act and any monies contributed to the fund from any other source. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purpose of establishing and maintaining a boater training, safety and education program throughout the State of Oklahoma. Expenditures from said

fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. This act shall become effective January 1, 2007.

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