STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 282 By: Corn

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 born on or after January 1, 1990, 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, 2005, 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. A person twelve (12) years of age or older who has not reached sixteen (16) years of age may operate a 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 if such person has:

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

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

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

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

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

3. The issuance of Boating Safety Education Certificates.

D. A Boating Safety Education Certificate issued by the Department of Public Safety to a person who has successfully completed a boating safety 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 Boating 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:

1. Possesses a valid license to operate a vessel for maritime personnel by the United States Coast Guard pursuant to 46 Code of Federal Regulations Part 10 or an equivalent license issued by a foreign government;

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

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

4. Is not a resident of this state and has proof the person has successfully completed a boating safety 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;

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

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 constitute a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than Fifty Dollars ($50.00) and not more than One Hundred Dollars ($100.00). Any second or subsequent conviction shall be punishable by a fine in an amount of not less than Two Hundred Fifty Dollars ($250.00), nor more than Five Hundred Dollars ($500.00).

B. A violation of the provisions of Section 3 of this act shall constitute a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

C. All fines collected under this section shall be deposited to the 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 boating safety education course; and

4. Successfully completes a boating safety education course approved by the Department of Public Safety during the probationary period.

E. Any person producing proof in court that a valid Boating Safety Education Certificate or equivalent form recognized by the Department of Public Safety reflecting such person has successfully completed a boating safety 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 after the violation, whichever is later, 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 fine monies 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 purposes 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 Office of State Finance for approval and payment.

SECTION 6. This act shall become effective January 1, 2006.

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