

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1075

By: Carey

6
7 COMMITTEE SUBSTITUTE

8 (public safety - Oklahoma Vessel and Motor

9 Registration Act - exemption for vessels titled and

10 registered by federally recognized Indian tribes -

11 assignment of permanent numbers - penalties for

12 failing to comply with confidentiality requirements

13 - Boating Safety Regulation Act - vessel capacity -

14 age limitation - Kyle Williams Boating Safety

15 Education Act -

16 effective date)

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

21 SECTION 1. AMENDATORY 63 O.S. 2001, Section 4005, as

22 amended by Section 16, Chapter 190, O.S.L. 2005 (63 O.S. Supp. 2006,

23 Section 4005), is amended to read as follows:

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1 Section 4005. A. A vessel or motor shall not be required to be
2 titled and registered pursuant to the provisions of the Oklahoma
3 Vessel and Motor Registration Act, Section 4002 et seq. of this
4 title, if:

5 1. Such vessel or motor is owned by the United States, a state
6 other than the State of Oklahoma, any agency thereof, or any
7 subdivision of the state; provided, however, if such vessel is used
8 for recreational or rental purposes on the waters of this state,
9 said vessel shall be registered and numbered in accordance with
10 Section 4002 et seq. of this title;

11 2. Such vessel or motor is owned by a visiting nonresident and
12 is currently registered in another state. Provided that if any such
13 vessel or motor remains in Oklahoma in excess of sixty (60) calendar
14 days, such vessel or motor shall be registered pursuant to the
15 provisions of the Oklahoma Vessel and Motor Registration Act and the
16 registration fees due thereon from the date of entry into Oklahoma
17 must be paid;

18 3. Such vessel or motor is from a country other than the United
19 States provided such vessel or motor does not remain in Oklahoma in
20 excess of sixty (60) calendar days;

21 4. Such vessel is used exclusively and solely as a lifeboat;

22 5. Such vessel is used exclusively and solely for racing
23 purposes;

24

1 6. Such vessel is a commercial flotation device which is issued
2 a permit by the Oklahoma Scenic River Commission pursuant to the
3 provisions of Section 1461 et seq. of Title 82 of the Oklahoma
4 Statutes; provided, a commercial flotation device shall be required
5 to be titled pursuant to the provisions of Section 4008 of this
6 title; ~~or~~

7 7. Such vessel is a documented vessel provided such documented
8 vessel shall be required to be registered pursuant to the provisions
9 of Section 4016 of this title; or

10 8. Such vessel is titled and registered by a federally
11 recognized Indian tribe having jurisdiction over waters within the
12 exterior boundaries of Oklahoma in which the vessel is reasonably
13 capable of operating.

14 B. Motors classified as inboard motors shall not be required to
15 be titled or registered pursuant to the provisions of the Oklahoma
16 Vessel and Motor Registration Act.

17 C. All vessels and motors which are owned by the State of
18 Oklahoma, its agencies or departments, or political subdivisions
19 thereof, or which, under the law, would be exempt from direct ad
20 valorem taxation, shall be titled and registered pursuant to the
21 provisions of the Oklahoma Vessel and Motor Registration Act.
22 Provided, all vessels and motors titled and registered to the
23 Department of Public Safety shall be exempt from all registration
24 fees.

1 D. All other vessels shall be titled and registered pursuant to
2 the provisions of the Oklahoma Vessel and Motor Registration Act.

3 SECTION 2. AMENDATORY 63 O.S. 2001, Section 4021, as
4 last amended by Section 6, Chapter 272, O.S.L. 2006 (63 O.S. Supp.
5 2006, Section 4021), is amended to read as follows:

6 Section 4021. A. The application required for the initial and
7 subsequent registration of a vessel or a motor shall be accompanied
8 by payment of the following fees:

9 1. Where the manufacturer's factory delivered price, or in the
10 absence of such price being published in a recognized publication
11 for the use of marine dealers and/or for purposes of insurance and
12 financing firms, where the provable original or new cost of all
13 materials, is One Hundred Fifty Dollars (\$150.00) or less, the
14 registration and license fee for the first and for each succeeding
15 year's registration shall be One Dollar (\$1.00);

16 2. Where the manufacturer's factory delivered price, or in the
17 absence of such price being published as provided in paragraph 1 of
18 this section, where the value of such vessel or motor is determined
19 and fixed as above required and, is in excess of One Hundred Fifty
20 Dollars (\$150.00), there shall be added to the fee of One Dollar
21 (\$1.00), the sum of One Dollar (\$1.00) for each One Hundred Dollars
22 (\$100.00) or any fraction thereof, in excess of One Hundred Fifty
23 Dollars (\$150.00) provided such fee shall not exceed One Hundred
24 Fifty Dollars (\$150.00);

1 3. After the first year's registration in this state under the
2 Oklahoma Vessel and Motor Registration Act of any new vessel or new
3 motor under paragraph 2 of this subsection, the registration for the
4 second year shall be ninety percent (90%) of the fee computed and
5 assessed hereunder for the first year, and thereafter, such fee
6 shall be computed and assessed at ninety percent (90%) of the
7 previous year's fee and shall be so computed and assessed for the
8 next nine (9) successive years provided such fee shall not exceed
9 One Hundred Fifty Dollars (\$150.00);

10 4. The initial and subsequent registration fee for any vessel
11 which is a part of a fleet used for lodging and for which a rental
12 fee and sales tax are collected shall be Forty Dollars (\$40.00) in
13 lieu of the fees required by paragraphs 1 through 3 of this
14 subsection. For the purpose of this paragraph, "fleet" means twenty
15 or more vessels operated by a business organization from a single
16 anchorage. The fee provided for in this paragraph may be reduced
17 annually to zero until the total reduction equals the difference
18 between the sum of the fees paid pursuant to paragraphs 1 through 3
19 of this subsection for the two registration years preceding January
20 1, 1990, and the fee provided for in this paragraph;

21 5. For any vessel or motor owned and numbered, registered or
22 licensed prior to January 1, 1990, in this or any other state, or in
23 the absence of such registration upon proof of the year, model and
24 age of same, the registration fee shall be computed and assessed at

1 the rate hereinabove provided for a new vessel or motor based on the
2 value thereof determined as provided in this subsection, but reduced
3 as though same had been registered for each prior year of its
4 existence. Except as provided in paragraph 1 of this subsection,
5 the registration fee for the eleventh year computed in accordance
6 with the provisions of this subsection shall be the amount of the
7 fee to be assessed for such eleventh year and shall be the minimum
8 annual registration fee for such vessel or motor for any subsequent
9 year; and

10 6. The initial and subsequent registration fee for any vessel
11 or motor which is not being used in a trade or business or for any
12 commercial purpose and is owned by:

- 13 a. a nonresident member of the Armed Forces of the United
14 States assigned to duty in this state in compliance
15 with official military or naval orders,
- 16 b. a resident member of the Armed Forces of the United
17 States assigned to duty in this state in compliance
18 with official military or naval orders,
- 19 c. the spouse, who resides in Oklahoma, of a resident or
20 nonresident member of the Armed Forces of the United
21 States serving in a foreign country, or
- 22 d. any Oklahoma resident who is stationed out of state
23 due to an official assignment of the Armed Forces of
24 the United States,

1 shall be the lesser of either a Fifteen Dollar (\$15.00) registration
2 fee or the fee computed and assessed for vessels or motors of
3 similar age and model pursuant to this section; and

4 7. A federally recognized Indian tribe shall pay to the Tax
5 Commission a fee in the amount of Fifteen Dollars (\$15.00) at the
6 time of the initial registration of the vessel or outboard motor
7 pursuant to subsection G of Section 4030 of this title. The fee
8 shall cover the costs incurred by the Tax Commission for processing
9 and maintaining the records relating to vessels and outboard motors
10 owned by tribal members registering their boats or outboard motors
11 with the tribe.

12 B. As used in this section, the term "manufacturer's factory
13 delivered price" shall represent the recommended retail selling
14 price and shall not mean the wholesale price to a dealer.

15 C. The Oklahoma Tax Commission shall assess the registration
16 fees and penalties for the year or years a vessel or motor was not
17 registered as provided in the Oklahoma Vessel and Motor Registration
18 Act. For vessels or motors not registered for two (2) or more
19 years, the registration fees and penalties shall be due only for the
20 current year and one (1) previous year.

21 D. Upon each vessel or motor repossessed by a mortgagee, a fee
22 of Forty-six Dollars (\$46.00) shall be assessed. This fee shall be
23 in lieu of any applicable vessel or motor excise tax and
24 registration fees. Each motor license agent accepting applications

1 for certificates of title for such vessel or motors shall receive
2 Seven Dollars (\$7.00) to be deducted from the license fee specified
3 in this paragraph for each application accepted.

4 E. All vessels or motors owned by the State of Oklahoma, its
5 agencies or departments, or political subdivisions thereof, or which
6 under the law would be exempt from direct ad valorem taxation, shall
7 be registered pursuant to the provisions of the Oklahoma Vessel and
8 Motor Registration Act for an annual fee of Two Dollars and
9 twenty-five cents (\$2.25) irrespective of whether registered by a
10 motor license agent or the Tax Commission.

11 F. All vessels and motors owned:

12 1. By the Boy Scouts of America, the Girl Scouts of U.S.A., and
13 the Camp Fire USA, devoted exclusively to youth programs emphasizing
14 physical fitness, character development and citizenship training;

15 2. By the Department of Public Safety; and

16 3. By organizations which are exempt from taxation pursuant to
17 the provisions of Section 501(c)(3) of the Internal Revenue Code, 26
18 U.S.C., Section 501(c)(3), and which are primarily devoted to the
19 establishment, development, operation, promotion, and participation
20 in, alone or in conjunction with others, educational and training
21 programs and competitive events to provide knowledge, information,
22 or comprehensive skills related to the sports of sailing, fishing,
23 boating, and other aquatic related activities;

24

1 are hereby exempt from the payment of registration fees required by
2 this section. Provided all of such vessels or motors shall be
3 registered and shall otherwise comply with the provisions of the
4 Oklahoma Vessel and Motor Registration Act.

5 G. A credit shall be allowed with respect to the fee for
6 registration of any new vessel or new motor, when such new vessel or
7 motor is a replacement for:

8 1. A new original vessel or new original motor which is stolen
9 from the purchaser/registant within ninety (90) days of the date of
10 purchase of the original vessel or new original motor as certified
11 by a police report or other documentation as required by the Tax
12 Commission; or

13 2. A defective new original vessel or new original motor
14 returned by the purchaser/registant to the seller within six (6)
15 months of the date of purchase of the defective new original vessel
16 or new original motor as certified by the manufacturer.

17 Such credit shall be in the amount of the fee for registration
18 which was paid for the new original vessel or new original motor and
19 shall be applied to the registration fee for the replacement vessel
20 or motor. In no event will said credit be refunded.

21 H. Upon proper proof of a lost certificate of registration
22 being made to the Tax Commission or one of its motor license agents,
23 accompanied by an application therefor and payment of the fees
24 required by the Oklahoma Vessel and Motor Registration Act, a

1 duplicate certificate of registration shall be issued to the
2 applicant. The charge for such duplicate certificate of
3 registration shall be Two Dollars and twenty-five cents (\$2.25),
4 which charge shall be in addition to any other fees imposed by
5 Section 4022 of this title for any such vessel or motor.

6 I. In addition to any other fees levied by the Oklahoma Vessel
7 and Motor Registration Act, there is levied and there shall be paid
8 to the Tax Commission, for each year a vessel or motor is
9 registered, a fee of One Dollar (\$1.00) for each vessel or motor for
10 which a registration or license fee is required pursuant to the
11 provisions of this section. The fee shall accrue and shall be
12 collected upon each vessel or motor under the same circumstances and
13 shall be payable in the same manner and times as apply to vessel and
14 motor licenses and registrations under the provisions of the
15 Oklahoma Vessel and Motor Registration Act; provided, the fee shall
16 be paid in full for the then current year at the time any vehicle is
17 first registered in a calendar year.

18 Monies collected pursuant to this subsection shall be
19 apportioned by the Tax Commission to the State Treasurer for deposit
20 in the Trauma Care Assistance Revolving Fund created in Section
21 330.97 of this title.

22 The collection and payment of the fee shall be a prerequisite to
23 license or registration of any vessel or motor.

24

1 J. If a vessel or motor is donated to a nonprofit charitable
2 organization, the nonprofit charitable organization shall be exempt
3 from paying any current or past due registration fees, excise tax,
4 transfer fees, and penalties and interest; provided, subsequent to
5 such donation, if the person, entity or party acting on another's
6 behalf who donated the vessel or motor, purchases the same vessel or
7 motor from the nonprofit charitable organization receiving the
8 original donation, such person, entity or party acting on another's
9 behalf shall be liable for all current and past due registration
10 fees, excise tax, transfer fees, and penalties and interest on such
11 vehicle.

12 SECTION 3. AMENDATORY Section 5, Chapter 379, O.S.L.
13 2004, as amended by Section 102, Chapter 1, O.S.L. 2005 (63 O.S.
14 Supp. 2006, Section 4030), is amended to read as follows:

15 Section 4030. A. Except as otherwise provided by this section,
16 every vessel on the waters of this state shall display the permanent
17 number assigned to it by the Oklahoma Tax Commission ~~or by a~~
18 ~~federally recognized Indian tribe~~ which number shall not be
19 obliterated, erased, mutilated, removed or missing.

20 B. The vessels authorized to display a number other than that
21 required by the provisions of the Oklahoma Vessel and Motor
22 Registration Act are:

23 1. A documented vessel, provided that such vessel is currently
24 registered, is displaying both current registration decals, and the

1 name, hailing port and official federal documentation number
2 assigned to it are displayed on the vessel according to federal law
3 or federal rules and regulations;

4 2. A vessel from a country other than the United States
5 temporarily using the waters of this state;

6 3. A vessel from another state owned by an out-of-state
7 resident using the waters of this state;

8 4. A vessel whose owner is the United States, a state or a
9 subdivision thereof; provided, however, if such vessel is used for
10 recreational or rental purposes on the public waters of this state,
11 said vessel shall display the permanent number assigned to it by the
12 Commission;

13 5. A vessel that is used exclusively and solely for racing
14 purposes;

15 6. A vessel that is used exclusively and solely as a lifeboat;
16 and

17 7. A commercial flotation device which is assigned a permit by
18 the Oklahoma Scenic Rivers Commission pursuant to the provisions of
19 Sections 1461 et seq. of Title 82 of the Oklahoma Statutes.

20 C. Except as otherwise provided for in this section, every
21 vessel and every outboard motor on the waters of this state shall
22 display the current registration decals or decal assigned to it by
23 the Oklahoma Tax Commission. The outboard motor registration decal
24 shall be affixed to the upper portion of the motor cowling in such a

1 manner that approximately one-half (1/2) of the decal is displayed
2 on the left side of the motor cowling extending toward the rear of
3 the motor cowling. Vessel registration decals shall:

4 1. Be affixed on each side of the forward half of the vessel;
5 and

6 2. Be in line with and within six (6) inches aft of the
7 permanent number.

8 D. The owner of any vessel issued a permanent number pursuant
9 to the provisions of the Oklahoma Vessel and Motor Registration Act,
10 Section 4002 et seq. of this title, shall place on or attach to the
11 vessel said permanent number in such manner ~~as may be prescribed by~~
12 ~~the rules of the Commission, in order~~ that it may be clearly
13 visible. The permanent number shall ~~be~~:

14 1. Be maintained in legible condition;

15 2. Be painted, applied as a decal or otherwise affixed to each
16 side of the forward half of the vessel in a contrasting color to the
17 background, as high above the waterline as practicable;

18 3. Read from left to right;

19 4. Be comprised of numbers and letters printed in block style
20 of at least three (3) inches in height and one-half (1/2) inch in
21 stroke width; and

22 5. Have spaces or hyphens that are equal to the width of a
23 letter other than "I" or number other than "1" between the letter
24 and number groupings.

1 No other similar numbers shall be displayed on either side of the
2 forward half of the vessel.

3 E. The provisions of this section shall not apply to sailboards
4 or fishing tubes.

5 F. The Tax Commission shall adopt rules for the placement of
6 the registration decal in an alternate location for antique boats.

7 In this subsection, "antique boat" means a boat that:

- 8 1. Is used primarily for recreational purposes; and
- 9 2. Was manufactured before 1968.

10 Such rules shall allow vessels registered as antique boats to
11 display the registration decal on the left portion of the
12 windshield. In the absence of a windshield, the rules shall allow
13 operators of antique boats to attach the registration decal to the
14 certificate of registration and make such decal and certificate
15 available for inspection when the boat is operated on public water.

16 G. Upon request of a federally recognized Indian tribe having
17 jurisdiction over waters within the exterior boundaries of Oklahoma
18 on which a vessel, as defined by Section 4002 of this title, could
19 reasonably operate, the Tax Commission shall reserve for that tribe
20 an adequate set of permanent numbers to be assigned to tribal
21 members registering their vessel or outboard motor with that tribe.
22 The Tax Commission shall inform the tribe which numbers have been
23 reserved for the tribe. The tribe shall deliver to the Tax
24 Commission the information required by subsection A of Section 4016

1 of this title upon initial registration and any subsequent change of
2 ownership in a format and pursuant to a schedule approved by the Tax
3 Commission. Information for initial registration shall be
4 accompanied by payment of the fee set forth in subsection A of
5 Section 4021 of this title. The tribe shall notify the Tax
6 Commission of the number, from the set of permanent numbers assigned
7 the tribe, that has been assigned to the vessel or outboard motor by
8 the tribe. The tribe shall also annually, on or before an agreed-
9 upon date, notify the Tax Commission of all vessels and outboard
10 motors to which a permanent number was assigned pursuant to this
11 section which were registered by the tribe during the preceding
12 year.

13 1. The tribe shall maintain the confidentiality of all records
14 of each vessel or outboard motor as required in Section 4007 of this
15 title.

16 2. Failure of the tribe to submit the required application and
17 fees or failure of the tribe to protect the confidentiality of the
18 records will result in the loss of privilege to issue the permanent
19 numbers, and punishment as provided in Section 4032 of this title.

20 SECTION 4. AMENDATORY 63 O.S. 2001, Section 4201, as
21 amended by Section 2, Chapter 66, O.S.L. 2002 (63 O.S. Supp. 2006,
22 Section 4201), is amended to read as follows:
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1 Section 4201. In addition to the terms defined by the Oklahoma
2 Vessel and Motor Registration Act, for the purposes of the Oklahoma
3 Boating Safety Regulation Act:

4 1. "Buoy" means an anchored marker for marking a position on
5 the water, or a hazard, shoal or mooring, or any other prohibitive
6 activity area;

7 2. "Capacity plate" means a sign posted in view of the
8 operator's station on a vessel which designates the maximum weight
9 capacity and horsepower restrictions of a vessel for safe operation;

10 3. "Diver's flag" means a red flag not less than twenty (20)
11 inches by twenty-four (24) inches with a four-inch white stripe
12 running from one upper corner to a diagonal lower corner, and such
13 flag is used to indicate a submerged diver;

14 4. "Emergency vessel" means any law enforcement vessel which is
15 legally authorized to operate in the emergency mode;

16 5. "Law enforcement vessel" means any vessel legally authorized
17 to operate under the color of law;

18 6. "Lienholder" means a person holding a security interest in a
19 vessel, as shown on the vessel title;

20 7. "Manipulate" means to guide, steer or otherwise control;

21 8. "Marine sewage" means any substance, treated or untreated,
22 that contains any of the waste products of humans or animals or
23 foodstuffs;

1 9. "Marine toilet" means any latrine, head, lavatory or toilet
2 intended to receive marine sewage and which is located on or in any
3 vessel;

4 10. "Operator" means the person who operates, has actual
5 physical control, or has charge of the navigation or use of a
6 vessel;

7 11. "Parasail" means any device which, when airborne, is used
8 or capable of being used for lifting or suspending a person who is
9 being or will be towed by a vessel;

10 12. "Passenger" means any person riding in or upon any vessel
11 or being towed for recreation on water skis, inner tube, kneeboard,
12 parasail, or any similar device;

13 13. "Personal flotation device" means only a United States
14 Coast Guard approved flotation device;

15 ~~13.~~ 14. "Personal watercraft" means a vessel which uses an
16 inboard motor powering a water jet pump as its primary source of
17 motive power and which is designed to be operated by a person
18 sitting, standing or kneeling on the vessel, rather than the
19 conventional manner of sitting or standing inside the vessel, or a
20 vessel which is similar in appearance and operation to a personal
21 watercraft but which is powered by an outboard or propeller driven
22 motor, or a vessel less than sixteen (16) feet in length which
23 travels across the water above or on a cushion of air provided by
24 engines, propellers or other means of propulsion;

1 ~~14.~~ 15. "Sanctioned event" means any organized event on the
2 waters of this state, including but not limited to regattas,
3 motorboat or other boat races, marine parades, tournaments and
4 exhibitions, which is approved and permitted by an authorizing
5 agency;

6 ~~15.~~ 16. "Under way" means the movement of a vessel whether by
7 mechanical or nonmechanical means which is other than incidental to
8 the force of wind, waves or current; and

9 ~~16.~~ 17. "Wake" means the track of waves left by a vessel or
10 other object moving through the water, and such waves are greater
11 than the natural waves in the immediate area of the vessel, or are
12 cresting and showing white water, or may cause injury or damage to
13 any person or property.

14 SECTION 5. AMENDATORY 63 O.S. 2001, Section 4210, as
15 amended by Section 6, Chapter 393, O.S.L. 2003 (63 O.S. Supp. 2006,
16 Section 4210), is amended to read as follows:

17 Section 4210. A. No person shall operate, manipulate or give
18 permission to any person to operate or manipulate any parasails,
19 water skis, surfboard, personal watercraft, or similar device, or
20 any vessel in a reckless or negligent manner so as to endanger the
21 life or property of any person.

22 B. No person shall lease or otherwise give permission to
23 another person to operate any vessel on any waters of this state,
24 except privately owned waters, while the operator is under the

1 influence of alcohol or any substance included in the Uniform
2 Controlled Dangerous Substances Act, Section 2-101 et seq. of this
3 title, or any combination of alcohol and such substance.

4 C. Upon the immediate approach of an authorized emergency
5 vessel making use of an audible or a visual signal or a combination
6 thereof, the operator of every other vessel shall immediately stop
7 his or her vessel whenever or wherever practical or otherwise yield
8 the right-of-way until such authorized emergency vessel has passed,
9 except when otherwise directed by a duly authorized peace officer of
10 this state.

11 D. No person shall overload or give permission to overload a
12 vessel with ~~persons~~ passengers or gear so as to exceed the posted
13 capacity plate ~~or to exceed,~~ United States Coast Guard standards, or
14 the recommended capacity of the vessel manufacturer.

15 E. No person shall operate or give permission to operate on the
16 waters of this state, except privately owned waters, any monohull
17 vessel less than twenty (20) feet in length designed to be powered
18 by an outboard motor that exceeds the posted capacity plate, United
19 States Coast Guard standards, or the recommended horsepower capacity
20 of the vessel manufacturer; provided, this provision shall not apply
21 to vessels operating in sanctioned events.

22 F. No person shall operate, drive or be in actual physical
23 control of any vessel on any waters of this state, except privately
24

1 owned waters, at speeds in excess of the speed limits established
2 for those waters.

3 ~~F.~~ G. No person shall operate on the waters of this state,
4 except privately owned waters, any vessel, including personal
5 watercraft, within fifty (50) feet in proximity to another vessel
6 when running at speeds of over ten (10) miles per hour; provided,
7 this prohibition shall not apply to vessels operating in sanctioned
8 events.

9 ~~G.~~ H. No person shall cause, allow, authorize, or permit any
10 child under twelve (12) years of age to operate and no child under
11 twelve (12) years of age shall operate any vessel powered by a motor
12 or combination of motors in excess of ten (10) horsepower or any
13 sail-powered vessel sixteen (16) feet or greater in length on any
14 waters of this state, ~~unless accompanied on the vessel by another~~
15 ~~person sixteen (16) years of age or older; provided, this subsection~~
16 ~~shall not apply on privately owned waters.~~

17 ~~H.~~ I. Any violation of the provisions of this section shall
18 constitute a misdemeanor and shall be punishable, upon conviction,
19 by a fine of not less than Fifty Dollars (\$50.00) nor more than Two
20 Hundred Fifty Dollars (\$250.00) shall be subject to imprisonment in
21 the county jail for a period not to exceed six (6) months.

22 SECTION 6. AMENDATORY 63 O.S. 2001, Section 4212, as
23 amended by Section 7, Chapter 393, O.S.L. 2003 (63 O.S. Supp. 2006,
24 Section 4212), is amended to read as follows:

1 Section 4212. A. 1. No person shall operate or give
2 permission to operate a vessel on any waters of this state for
3 towing a person or persons using parasails or on water skis, a
4 surfboard, or similar device unless there is in such vessel:

5 a. a person who is at least eight (8) years old, and who,
6 in addition to the operator, is in a position to
7 observe the progress of the person or persons being
8 towed,

9 b. if the vessel is not a personal watercraft, an
10 efficient wide angle convex rear view mirror installed
11 on such vessel in such manner as to permit the person
12 operating said vessel to face the direction of travel
13 and be in a position to observe the progress of the
14 person or persons being towed, or

15 c. if the vessel is a personal watercraft, two efficient
16 wide angle convex rear view mirrors installed on such
17 vessel in such manner as to permit the person
18 operating such watercraft to face the direction of
19 travel and be in a position to observe the progress of
20 the person or person being towed.

21 2. Water skiing shall be allowed with any watercraft which is
22 designed to accommodate two or more persons.

23 B. No person shall operate or give permission to operate a
24 vessel on any waters of this state towing a person or persons using

1 parasails or on water skis, a surfboard, a sailboard or similar
2 device nor shall any person engage in parasailing, water skiing,
3 surfboarding, sailboarding or similar activity at any time between
4 the hours from sunset to sunrise or at such time visibility due to
5 other existing conditions is obscured so as to endanger life or
6 property.

7 C. The provisions of subsections A and B of this section do not
8 apply to a performer engaged in a professional exhibition or a
9 person or persons engaged in an activity authorized under Section
10 4205 of this title.

11 D. No person shall operate or give permission to operate or
12 manipulate any vessel, tow rope or other device by which the
13 direction or location of parasails, water skis, a surfboard, or
14 similar device may be affected or controlled in such a way as to
15 cause the parasails, water skis, surfboard, or similar device, or
16 any person thereon to collide with or strike against any object or
17 person.

18 E. 1. No person shall operate or give permission to operate a
19 personal watercraft or similar device capable of being remote
20 controlled by the skier unless such device is factory equipped with
21 an engine kill switch capable of shutting off the engine in the
22 event the skier becomes detached from the personal watercraft
23 device. A person operating a personal watercraft equipped by the
24 manufacturer with a lanyard type engine cutoff switch shall attach

1 such lanyard to his or her person, clothing, or personal flotation
2 device as appropriate for the specific vessel.

3 2. No person shall operate a personal watercraft at any time
4 between the hours from sunset to sunrise unless equipped with
5 prescribed lights.

6 F. No person shall operate or give permission to operate a
7 vessel on any waters of this state for towing a person or persons
8 using a "Kite Tube" or any similar device.

9 SECTION 7. AMENDATORY 63 O.S. 2001, Section 4214, is
10 amended to read as follows:

11 Section 4214. A. The operator ~~and/or~~ or passenger of a vessel
12 involved in a collision, accident, or other casualty, shall render
13 to other persons involved in the collision, accident, or other
14 casualty reasonable assistance as may be necessary and practicable
15 and shall immediately, by the quickest means of communication, give
16 notice of such accident to the local police department if such
17 accident occurs within a municipality, or to the office of the
18 county sheriff or nearest state highway patrol headquarters after
19 complying with the requirements of this section. The operator of a
20 vessel involved in a collision, accident, or other casualty shall
21 give his name, address, and identification of his vessel, in
22 writing, to any person injured in the collision, accident, or other
23 casualty and to the owner of any property damaged in the collision,
24 accident, or other casualty.

1 B. If a collision, accident, or other casualty results in death
2 or injury to a person or damage to property in excess of Five
3 ~~Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00), the
4 operator of the vessel involved in the collision, accident, or other
5 casualty shall file with the Department of Public Safety a full
6 description of the collision, accident, or other casualty, and such
7 information as the Department may require.

8 C. Whenever a person is halted by any duly authorized peace
9 officer of this state for any violation of Chapters 70, 71 or 72 of
10 this title, which shall be punishable as a misdemeanor, and is not
11 taken before a magistrate as hereinbefore required or permitted, the
12 officer shall prepare in quadruplicate using the "Oklahoma Uniform
13 Violations Complaint", a written notice to appear in court, such
14 notices to appear to be serially numbered, containing the name and
15 address of the person, the state registration number of his vessel,
16 if any, the offense charged, the time and place when and where the
17 person shall appear in court, and such other pertinent information
18 as may be necessary.

19 D. The time specified in the notice to appear must be at least
20 five (5) calendar days after the alleged violation unless the person
21 charged with the violation shall demand an earlier hearing.

22 E. The person charged with the violation may give his written
23 promise to appear in court by signing the written notice to appear
24 prepared by the officer, in which event the officer shall deliver a

1 copy of the notice to appear to the person, and thereupon the
2 officer shall not take the person into physical custody for the
3 violation.

4 F. If the person charged with the violation is a minor, then
5 the citing officer shall ascertain from the minor the name and
6 address of his parents or legal guardian, and said officer shall
7 cause a copy of the "violation" to be mailed to the address of the
8 parents or legal guardian, within three (3) calendar days after the
9 date of violation.

10 G. Except for felony violations, any duly authorized peace
11 officer of this state at the scene of a boating accident may issue a
12 written notice to appear to the operator of a vessel involved in the
13 accident when, based upon personal investigation, the officer has
14 reasonable and probable grounds to believe that the person has
15 committed any offense in connection with the accident.

16 H. In accordance with any request duly made by an authorized
17 official or agency of the United States, any information compiled or
18 otherwise available to the Department of Public Safety pursuant to
19 this section shall be transmitted to said official or agency of the
20 United States.

21 I. Any employee or officer of an agency of this state, or
22 employee or officer of a municipality or county in this state, shall
23 make a written report to the Department of Public Safety if an
24

1 occurrence involving a vessel or its equipment results in one or
2 more of the following:

3 1. A person dies;

4 2. A person is injured and requires medical treatment beyond
5 first aid;

6 3. Damage to the vessel and other property totals more than
7 ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) or
8 there is a complete loss of the vessel;

9 4. A person disappears from the vessel under circumstances that
10 indicate death or injury;

11 5. A person drowns in swimming to retrieve a vessel that is
12 adrift from its mooring or dock, having departed from a position of
13 inherent safety such as a shore or pier;

14 6. A person drowns while swimming from a vessel for pleasure
15 and the vessel does not contribute to the drowning;

16 7. A person drowns after falling from a vessel that is moored
17 or anchored for use as a swimming platform or other purpose;

18 8. A person dies or is injured while in the act of launching a
19 vessel into a body of water;

20 9. A person drowns or is injured while surfing;

21 10. A fatality or injury occurs to an operator or a crew member
22 while participating in an ~~organized/sanctioned~~ organized or
23 sanctioned race, or warm-up, in a vessel uniquely designed for
24 racing; or

1 11. Damage, injury or death on a docked, moored or anchored
2 vessel resulting from unusual wake or wave conditions.

3 SECTION 8. AMENDATORY Section 2, Chapter 228, O.S.L.
4 2006 (63 O.S. Supp. 2006, Section 4232), is amended to read as
5 follows:

6 Section 4232. A. As used in this section:

7 1. "Vessel" shall have the same meaning as defined in Section
8 4002 of ~~Title 63 of the Oklahoma Statutes~~ this title, but shall not
9 include personal watercraft; and

10 2. "Boating safety education course" means a course in safe
11 boating that meets or exceeds the minimum instruction standards as
12 established by the National Association of State Boating Law
13 Administrators in effect at the time the course is completed.

14 B. A person ~~under~~ at least twelve (12) years of age, but who
15 has not reached sixteen (16) years of age, shall not operate any
16 vessel, as defined in this section, powered by a motor or
17 combination of motors in excess of ten (10) horsepower or any sail-
18 powered vessel sixteen (16) feet or greater in length on the waters
19 of this state unless the person has:

20 1. Successfully completed a boating safety education course or
21 has passed a proctored equivalency examination which tests the
22 knowledge of information included in the curriculum of such a
23 course; and

24

1 2. Received a Boating Safety Education Certificate as evidence
2 of successful completion of a boating safety education course or an
3 equivalency examination.

4 C. A person at least twelve (12) years of age, but who has not
5 reached sixteen (16) years of age, shall not operate a vessel, as
6 defined in this section, powered by a motor or combination of motors
7 in excess of ten (10) horsepower or any sail-powered vessel sixteen
8 (16) feet or greater in length on the waters of this state unless
9 the person:

10 1. Has met the requirements listed in subsection B of this
11 section; and

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

15 D. 1. A person under sixteen (16) years of age shall not
16 operate a personal watercraft unless the person has met the
17 requirements listed in subsection B of this section.

18 2. A person at least twelve (12) years of age, but who has not
19 reached sixteen (16) years of age, shall not operate a personal
20 watercraft unless the person:

21 a. has met the requirements listed in subsection B of
22 this section, and

23
24

1 b. is under the visual supervision by a competent adult,
2 eighteen (18) years of age or older within a distance
3 of five hundred (500) yards.

4 The operator of a personal watercraft shall stay at least fifty (50)
5 feet away from all moving vessels, shall idle at or in the vicinity
6 of docks and swimmers, and shall wear an approved personal flotation
7 device.

8 E. The Department of Public Safety shall promulgate rules
9 necessary for:

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

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

14 3. The issuance of boating safety education certificates.

15 F. A Boating Safety Education Certificate issued by the
16 Department of Public Safety to a person who has successfully
17 completed a boating safety education course or course equivalency
18 examination shall not expire.

19 G. A person who is operating a vessel on the waters of this
20 state shall have in his or her immediate possession:

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

23 2. A photo identification that clearly shows the operator is
24 sixteen (16) years of age or older.

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

3 SECTION 9. This act shall become effective November 1, 2007.

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