

1 ENGROSSED SENATE
2 BILL NO. 558

By: Sparks of the Senate

and

Richardson of the House

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6 An Act relating to game and fish; amending 29 O.S.
7 2001, Section 4-112, as last amended by Section 15,
8 Chapter 138, O.S.L. 2006, Section 1, Chapter 513,
9 O.S.L. 2004, as amended by Section 2, Chapter 304,
10 O.S.L. 2005, and 4-201 (29 O.S. Supp. 2006, Sections
11 4-112 and 4-140), which relate to hunting licenses,
12 wildlife stamps, and license dealers; modifying cost
13 of certain licenses for certain persons; modifying
14 distribution of certain revenue fee; modifying
15 requirements for waiver of bond or cash deposits for
16 license dealers; and providing effective dates.

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

18 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-112, as
19 last amended by Section 15, Chapter 138, O.S.L. 2006 (29 O.S. Supp.
20 2006, Section 4-112), is amended to read as follows:

21 Section 4-112. A. Except as otherwise provided for in the
22 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
23 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
24 attempt to take in any manner, use, have in possession, sell, or
transport all or any portion of any wildlife except fish, without
having first procured a license from the Department of Wildlife
Conservation. The Wildlife Conservation Commission shall designate
a consecutive Saturday and Sunday in September of each year as free

1 hunting days in which residents of this state may hunt without first
2 procuring a hunting license pursuant to the provisions of this
3 section.

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

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

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

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

11 4. Legal resident veterans having a disability of sixty percent
12 (60%) or more;

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

15 6. Every citizen of Oklahoma serving in a branch of the United
16 States Armed Forces on properly authorized leave from military duty
17 having in his or her possession proper written evidence showing such
18 authorized leave and serving outside the State of Oklahoma at the
19 time of the hunting;

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

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

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

4 10. Any person hunting, pursuing, trapping, harassing,
5 catching, killing, taking, or attempting to take in any manner any
6 species of rattlesnake during an organized rattlesnake-hunting event
7 or festival and who has a rattlesnake permit issued pursuant to
8 Section 4-143 of this title.

9 C. Except as otherwise provided for in this Code, the fees for
10 licenses listed in this subsection are:

11 1. a. Annual hunting licenses for nonresidents hunting game
12 other than deer, antelope, or elk, One Hundred Thirty-
13 six Dollars (\$136.00); for deer, Two Hundred Dollars
14 (\$200.00); for antelope and elk, Three Hundred Dollars
15 (\$300.00). There shall be no exemptions for deer,
16 antelope, elk, or turkey. Any nonresident hunting in
17 a big game or combination big game and upland game
18 commercial hunting area shall be required to have an
19 annual nonresident hunting license pursuant to this
20 subparagraph, and the fee shall be One Hundred Thirty-
21 six Dollars (\$136.00). For a five-day nonresident
22 hunting license to hunt game other than deer,
23 antelope, elk, turkey, or pheasant, the fee shall be
24 Forty-one 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 2. Disability hunting license, residents of this state for at
19 least six (6) months and who are receiving Social Security
20 Disability benefits, Supplemental Security Income benefits or
21 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
22 Section 231a or residents who are one hundred percent (100%)
23 disabled and are receiving disability payments from the Multiple
24 Injury Trust Fund pursuant to Section 173 of Title 85 of the

1 Oklahoma Statutes, may purchase a disability hunting license from
2 the Director for Ten Dollars (\$10.00) for five (5) years.

3 3. Deer gun hunting license, residents, Nineteen Dollars
4 (\$19.00). There shall be no exemptions except:

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

9 b. legal residents of Oklahoma under eighteen (18) years
10 of age provided such residents shall be required to
11 pay a deer gun hunting license fee of Nine Dollars
12 (\$9.00),

13 c. residents with proper certification from the United
14 States Department of Veterans Affairs or its
15 successor, certifying that the person is a disabled
16 veteran in receipt of compensation at the one-hundred-
17 percent rate shall be exempt from the fees specified
18 pursuant to this paragraph, and

19 d. residents hunting in big game or combination big game
20 and upland game commercial hunting areas shall be
21 exempt from the fees specified pursuant to this
22 paragraph.

23 4. Deer archery hunting license, residents, Nineteen Dollars
24 (\$19.00) and for legal residents of Oklahoma under eighteen (18)

1 years of age, Nine Dollars (\$9.00). There shall be no exemptions
2 except residents with proper certification from the United States
3 Department of Veterans Affairs or its successor, certifying that the
4 person is a disabled veteran in receipt of compensation at the one-
5 hundred-percent rate and residents hunting in big game or
6 combination big game and upland game commercial hunting areas shall
7 be exempt from the fees specified pursuant to this paragraph.

8 5. Primitive firearms license, residents, Nineteen Dollars
9 (\$19.00) and for legal residents of Oklahoma under eighteen (18)
10 years of age, Nine Dollars (\$9.00). There shall be no exemptions
11 except residents with proper certification from the United States
12 Department of Veterans Affairs or its successor, certifying that the
13 person is a disabled veteran in receipt of compensation at the one-
14 hundred-percent rate and residents hunting in big game or
15 combination big game and upland game commercial hunting areas shall
16 be exempt from the fees specified pursuant to this paragraph.

17 6. Elk or antelope hunting license, residents, Fifty Dollars
18 (\$50.00). There shall be no exemptions except residents hunting in
19 big game or combination big game and upland game commercial hunting
20 areas shall be exempt from the fees specified pursuant to this
21 paragraph.

22 7. Bonus, special or second deer gun hunting license,
23 residents, Nineteen Dollars (\$19.00). No exemptions except:
24

1 a. residents sixty-five (65) years of age or older
2 provided such residents have obtained a senior
3 citizen's license pursuant to the provisions of
4 Section 4-133 of this title,

5 b. persons with proper certification from the United
6 States Department of Veterans Affairs or its
7 successor, certifying that the person is a disabled
8 veteran in receipt of compensation at the one-hundred-
9 percent rate shall be exempt from the fees specified
10 pursuant to this paragraph, and

11 c. residents hunting in big game or combination big game
12 and upland game commercial hunting areas shall be
13 exempt from the fees specified pursuant to this
14 paragraph.

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

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

20 2. Commercial hunting area small game ten-day permit, resident
21 or nonresident, Five Dollars (\$5.00).

22 E. The provisions of this section shall not be construed to
23 require a hunting license, resident or nonresident, of any person
24 merely because the person participates, as owner or handler of an

1 entry, as an official, or as a spectator in the conduct of a field
2 trial or performance test of dogs, whether a resident or nonresident
3 of the State of Oklahoma. No license to hunt shall be required of
4 any person engaged in training or working dogs, provided that person
5 is in no way engaged in hunting and does not take or attempt to take
6 in any manner any game.

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

- 15 a. for legal residents, Fifty Dollars (\$50.00), and
- 16 b. for nonresidents, One Hundred Forty-five Dollars
17 (\$145.00).

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

23 G. Any person producing proof in court that a current hunting
24 license issued by the Department of Wildlife Conservation to that

1 person was in force at the time of the alleged offense shall be
2 entitled to dismissal of a charge of violating this section upon
3 payment of court costs; however, if proof of hunting license is
4 presented to the court or district attorney within seventy-two (72)
5 hours after the violation, the charge shall be dismissed without
6 payment of court costs.

7 H. Unless a substitute license is purchased as provided for by
8 subsection F of this section, any resident convicted of violating
9 the provisions of this section shall be punished by the imposition
10 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
11 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
12 jail for a period not to exceed thirty (30) days, or by both.

13 I. Unless a substitute license is purchased as provided for by
14 subsection F of this section, any nonresident convicted of violating
15 the provisions of this section shall be punished by the imposition
16 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
17 than Five Hundred Dollars (\$500.00), or by imprisonment in the
18 county jail for a period not to exceed six (6) months, or by both.

19 SECTION 2. AMENDATORY Section 1, Chapter 513, O.S.L.
20 2004, as amended by Section 2, Chapter 304, O.S.L. 2005 (29 O.S.
21 Supp. 2006, Section 4-140), is amended to read as follows:

22 Section 4-140. A. Except as otherwise provided for in this
23 section, no person may hunt, pursue, trap, harass, catch, kill,
24 take, or attempt to take in any manner, use, have in possession,

1 sell, or transport all or any portion of any wildlife including fish
2 unless the person has first obtained an Oklahoma Wildlife Land Stamp
3 from the Director or any authorized agents of the Department of
4 Wildlife Conservation. Each person shall have the stamp in their
5 possession when hunting, fishing, or taking any wildlife.

6 B. Persons exempt from the Oklahoma Wildlife Land Stamp
7 requirements of this section are:

8 1. Legal residents of Oklahoma under eighteen (18) years of
9 age;

10 2. Legal residents of Oklahoma sixty-four (64) years of age or
11 older;

12 3. Legal residents of Oklahoma who have a valid lifetime
13 fishing, hunting, or combination license;

14 4. Legal residents of Oklahoma who have a valid senior citizen
15 lifetime fishing, hunting or combination license;

16 5. Persons holding a valid nonresident lifetime fishing
17 license;

18 6. Persons who have acquired a license pursuant to Section 4-
19 110 or Section 4-128 of this title for fishing in the area of Lake
20 Texoma located within the state;

21 7. Nonresidents under sixteen (16) years of age from states
22 which do not require nonresident fishing licenses for persons under
23 sixteen (16) years of age;

24

1 8. Nonresidents sixty-four (64) years of age or older from
2 states which do not require nonresident fishing licenses for persons
3 sixty-four (64) years of age or older;

4 9. Legal resident veterans having a disability of sixty percent
5 (60%) or more;

6 10. Legal resident owners or tenants, their spouses, parents,
7 grandparents, children and their spouses, grandchildren and their
8 spouses who hunt on land owned or leased by them or fish in private
9 ponds on land owned or leased by them;

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

15 12. Any patient of an institution of the State of Oklahoma
16 established for the care and treatment of mental illness or alcohol
17 or drug dependency or any developmentally disabled person residing
18 in any group home or other institution or developmentally disabled
19 persons when accompanied by an attendant of such institution or
20 legal guardian of said patient, or when fishing on institutional
21 property;

22 13. Any person who is legally blind or who has any other
23 physical impairment, as certified by a physician licensed in this
24 state or any state which borders this state, which prevents the

1 person from properly using fishing apparatus without the assistance
2 of another person, and any one person actually accompanying and
3 actually assisting such legally blind or otherwise physically
4 impaired person while the latter is fishing. This certification
5 shall be carried by the individual while fishing;

6 14. Nonresidents under fourteen (14) years of age;

7 15. Job Corps trainees of this state, provided that such
8 trainees shall have on their persons a duly authorized
9 identification card issued by their respective Job Corps Center and
10 shall present such card upon request, in lieu of a fishing license.
11 The trainees shall return their cards to their respective Job Corps
12 Center when the trainees leave their respective Job Corps training
13 programs;

14 16. Any legal resident having a proven disability which renders
15 the resident nonambulatory and confined to a wheelchair as certified
16 by a physician licensed in this state or any state which borders
17 this state;

18 17. Any person who is fishing with a pole and line, trotline,
19 or throwline in streams, natural lakes, natural ponds, and mine pits
20 when using any bait other than commercial or artificial bait, blood,
21 stink bait, cut fish, and shrimp; and

22 18. Any person hunting, pursuing, trapping, harassing,
23 catching, killing, taking, or attempting to take in any manner any
24 species of rattlesnake during an organized rattlesnake hunting event

1 or festival and who has a rattlesnake permit issued pursuant to
2 Section ~~5~~ 4-143 of this ~~act~~ title.

3 C. 1. The Oklahoma Wildlife Land Stamp fee shall be Five
4 Dollars (\$5.00). ~~Fifty cents (\$0.50) of this fee shall be retained~~
5 ~~by the authorized agent issuing the stamp. The remainder of the fee~~
6 shall be deposited in the Oklahoma Wildlife Land Fund, created in
7 Section 4-141 of this title, to be used exclusively for:

8 a. the payment of bond debt and related expenses incurred
9 pursuant to Section 168.9 of Title 73 of the Oklahoma
10 Statutes for the purchase of public hunting, fishing,
11 and trapping areas where the public may hunt, fish, or
12 trap as authorized by law or for the purchase, lease,
13 or purchasing of easements on real property to be used
14 as public hunting, fishing, and trapping areas, and

15 b. the management of the real property acquired pursuant
16 to Section 168.9 of Title 73 of the Oklahoma Statutes
17 or acquired with proceeds from the Oklahoma Wildlife
18 Land Stamp fee.

19 2. The collection and remittance procedures applicable to
20 hunting license fees under this title shall apply to the Oklahoma
21 Wildlife Land Stamp fees.

22 3. The Oklahoma Wildlife Land Stamp issued pursuant to this
23 section shall expire on December 31 of each year.

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1 4. Within one (1) year of the final retirement, redemption, or
2 defeasance of the obligations created pursuant to Section 168.9 of
3 Title 73 of the Oklahoma Statutes, the Oklahoma Wildlife Land Stamp
4 and Oklahoma Wildlife Land Stamp fee requirements provided for in
5 this section shall terminate.

6 D. The Oklahoma Wildlife Conservation Commission shall
7 prescribe, by rule, the form, design, and manner of issuance of the
8 Oklahoma Wildlife Land Stamp.

9 SECTION 3. AMENDATORY 29 O.S. 2001, Section 4-201, is
10 amended to read as follows:

11 Section 4-201. A. The Wildlife Conservation Director is hereby
12 authorized to issue license forms to dealers located in the state
13 under one of the following options:

- 14 1. Having a surety bond obtained by the dealer;
- 15 2. Having a bond obtained from the Department; or
- 16 3. A one-thousand-dollar cash deposit or a certificate of
17 deposit in the amount of One Thousand Dollars (\$1,000.00).

18 The cash deposit or certificate of deposit will remain at the
19 Department until the dealer chooses to discontinue selling licenses
20 or a loss of money and/or licenses has occurred. The Department may
21 waive bond and cash deposit requirements to ~~existing dealers as of~~
22 ~~July 1, 1994, who have been in good standing for two (2) years who~~
23 are selling licenses via the internet point of sale system. Dealers
24 located out of state shall be required to obtain a surety bond.

1 B. Each dealer shall remit all license fees received by the
2 dealer and return all unsold licenses to the Department within the
3 time period specified by the Department. A dealer shall not charge
4 more than the license fee established by statute or by commission
5 resolution, provided each dealer shall be authorized to collect and
6 retain a One Dollar (\$1.00) selling fee per license in addition to
7 the license fee for handling costs.

8 Each dealer shall submit the appropriate report designated by
9 the Department to properly account for all license fees received by
10 the dealer pursuant to the provisions of this section.

11 No further license consignment shall be permitted until such
12 agent has remitted all license fees received pursuant to the
13 provisions of this subsection in full.

14 C. Dealers shall be penalized for every blank hunting and
15 fishing license form that is not returned to the Oklahoma Department
16 of Wildlife Conservation. The penalty shall be the average sales
17 value of the last fifty original licenses sold by the dealer. If
18 the dealer has not sold fifty original licenses, the penalty shall
19 be the sales value of the most expensive license sold by the
20 Department.

21 If the payment required by the dealer is not made on time as
22 required by the Department, the payment shall be considered late and
23 the dealer may be required to forfeit up to ten percent (10%) of
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1 their dealer fee for each day the payment is late or as otherwise
2 required by the Department.

3 D. In addition, failure to remit all license fees, any penalty,
4 or both the fees and penalty shall subject the dealer to criminal
5 and civil proceedings pursuant to this subsection.

6 1. Upon failure of a dealer to remit the license fees and
7 penalty, as required, the Department shall give written notice to
8 the alleged violator specifying the cause of the complaint. Such
9 notice shall state the amount of the license fees owed and any
10 penalty assessed by the Department. The notice shall require
11 immediate payment of such debt and penalties or require that the
12 alleged violator appear before the Department at a time and place
13 specified in the notice and answer the charges. The notice shall
14 additionally inform the alleged violator that failure to either pay
15 the debt and penalty as required or to appear at the hearing shall
16 subject such alleged violator to an administrative order which shall
17 be entered on the judgment docket of the district court in a county
18 in which the alleged violator has property and shall be enforced in
19 the same manner as an order of the district court for collection
20 action. The notice shall be served upon the alleged violator in the
21 same manner prescribed for service of summons in a civil action.
22 The Department shall afford the alleged violator an opportunity for
23 a fair hearing within fifteen (15) days of receipt of notice
24 provided by this paragraph in accordance with the provisions of the

1 Administrative Procedures Act. On the basis of evidence produced at
2 the hearing or if the alleged violator fails to appear at the
3 hearing as required, the Department shall make findings of fact and
4 conclusions of law and enter an order thereon. The order of the
5 Department shall become final and binding on all parties unless
6 appealed to the district court as provided in the Administrative
7 Procedures Act. If an appeal is not made, such order may be entered
8 on the judgment docket of the district court in a county in which
9 the debtor has property and thereafter enforced in the same manner
10 as an order of the district court for collection actions.

11 2. Failure to return or pay for such licenses is hereby
12 declared to be a misdemeanor, and punishable upon conviction by a
13 fine not to exceed Five Thousand Dollars (\$5,000.00).

14 3. Payment, in full, of the license fees and penalty, pursuant
15 to the provisions of this subsection shall be full and complete
16 satisfaction of the violation for which the Administrative Order was
17 issued and shall preclude any other civil or criminal penalty for
18 the same violation.

19 E. The Office of the Attorney General, at the request of the
20 Director, may assist the Department in the assessment and collection
21 of the debt and penalties, and recovery on the bond pursuant to the
22 provisions of this section.

23 SECTION 4. Section 3 of this act shall become effective
24 December 31, 2007.

1 SECTION 5. Sections 1 and 2 shall become effective November 1,
2 2007.

3 Passed the Senate the 8th day of March, 2007.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2007.

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Presiding Officer of the House
of Representatives

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