

THE HOUSE OF REPRESENTATIVES
Thursday, March 1, 2007

Committee Substitute for
House Bill No. 1075

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1075 - By: CAREY of the House and SCHULZ of the Senate.

(public safety – Oklahoma Vessel and Motor Registration Act – exemption for vessels titled and registered by federally recognized Indian tribes – assignment of permanent numbers – penalties for failing to comply with confidentiality requirements – Boating Safety Regulation Act – vessel capacity – age limitation – Kyle Williams Boating Safety Education Act – effective date)

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

- 1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 4005, as amended by
- 2 Section 16, Chapter 190, O.S.L. 2005 (63 O.S. Supp. 2006, Section 4005), is amended to
- 3 read as follows:
- 4 Section 4005. A. A vessel or motor shall not be required to be titled and registered
- 5 pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act, Section
- 6 4002 et seq. of this title, if:
- 7 1. Such vessel or motor is owned by the United States, a state other than the State
- 8 of Oklahoma, any agency thereof, or any subdivision of the state; provided, however, if
- 9 such vessel is used for recreational or rental purposes on the waters of this state, said

1 vessel shall be registered and numbered in accordance with Section 4002 et seq. of this
2 title;

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

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

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

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

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

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

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

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

4 C. All vessels and motors which are owned by the State of Oklahoma, its agencies
5 or departments, or political subdivisions thereof, or which, under the law, would be
6 exempt from direct ad valorem taxation, shall be titled and registered pursuant to the
7 provisions of the Oklahoma Vessel and Motor Registration Act. Provided, all vessels and
8 motors titled and registered to the Department of Public Safety shall be exempt from all
9 registration fees.

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

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

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

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

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

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

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

1 two registration years preceding January 1, 1990, and the fee provided for in this
2 paragraph;

3 5. For any vessel or motor owned and numbered, registered or licensed prior to
4 January 1, 1990, in this or any other state, or in the absence of such registration upon
5 proof of the year, model and age of same, the registration fee shall be computed and
6 assessed at the rate hereinabove provided for a new vessel or motor based on the value
7 thereof determined as provided in this subsection, but reduced as though same had been
8 registered for each prior year of its existence. Except as provided in paragraph 1 of this
9 subsection, the registration fee for the eleventh year computed in accordance with the
10 provisions of this subsection shall be the amount of the fee to be assessed for such
11 eleventh year and shall be the minimum annual registration fee for such vessel or motor
12 for any subsequent year; ~~and~~

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

- 15 a. a nonresident member of the Armed Forces of the United States
16 assigned to duty in this state in compliance with official military or
17 naval orders,
18 b. a resident member of the Armed Forces of the United States assigned
19 to duty in this state in compliance with official military or naval
20 orders,

- 1 c. the spouse, who resides in Oklahoma, of a resident or nonresident
2 member of the Armed Forces of the United States serving in a foreign
3 country, or
4 d. any Oklahoma resident who is stationed out of state due to an official
5 assignment of the Armed Forces of the United States,

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

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

14 B. As used in this section, the term “manufacturer’s factory delivered price” shall
15 represent the recommended retail selling price and shall not mean the wholesale price to
16 a dealer.

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

1 D. Upon each vessel or motor repossessed by a mortgagee, a fee of Forty-six Dollars
2 (\$46.00) shall be assessed. This fee shall be in lieu of any applicable vessel or motor
3 excise tax and registration fees. Each motor license agent accepting applications for
4 certificates of title for such vessel or motors shall receive Seven Dollars (\$7.00) to be
5 deducted from the license fee specified in this paragraph for each application accepted.

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

12 F. All vessels and motors owned:

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

16 2. By the Department of Public Safety; and

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

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

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

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

10 2. A defective new original vessel or new original motor returned by the
11 purchaser/registrant to the seller within six (6) months of the date of purchase of the
12 defective new original vessel or new original motor as certified by the manufacturer.

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

16 H. Upon proper proof of a lost certificate of registration being made to the Tax
17 Commission or one of its motor license agents, accompanied by an application therefor
18 and payment of the fees required by the Oklahoma Vessel and Motor Registration Act, a
19 duplicate certificate of registration shall be issued to the applicant. The charge for such
20 duplicate certificate of registration shall be Two Dollars and twenty-five cents (\$2.25),
21 which charge shall be in addition to any other fees imposed by Section 4022 of this title
22 for any such vessel or motor.

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

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

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

15 J. If a vessel or motor is donated to a nonprofit charitable organization, the
16 nonprofit charitable organization shall be exempt from paying any current or past due
17 registration fees, excise tax, transfer fees, and penalties and interest; provided,
18 subsequent to such donation, if the person, entity or party acting on another's behalf who
19 donated the vessel or motor, purchases the same vessel or motor from the nonprofit
20 charitable organization receiving the original donation, such person, entity or party
21 acting on another's behalf shall be liable for all current and past due registration fees,
22 excise tax, transfer fees, and penalties and interest on such vehicle.

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

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

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

10 1. A documented vessel, provided that such vessel is currently registered, is
11 displaying both current registration decals, and the name, hailing port and official
12 federal documentation number assigned to it are displayed on the vessel according to
13 federal law or federal rules and regulations;

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

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

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

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

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

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

5 C. Except as otherwise provided for in this section, every vessel and every outboard
6 motor on the waters of this state shall display the current registration decals or decal
7 assigned to it by the Oklahoma Tax Commission. The outboard motor registration decal
8 shall be affixed to the upper portion of the motor cowling in such a manner that
9 approximately one-half (1/2) of the decal is displayed on the left side of the motor cowling
10 extending toward the rear of the motor cowling. Vessel registration decals shall:

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

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

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

18 1. Be maintained in legible condition;

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

22 3. Read from left to right;

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

3 5. Have spaces or hyphens that are equal to the width of a letter other than “I” or
4 number other than “1” between the letter and number groupings.

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

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

8 F. The Tax Commission shall adopt rules for the placement of the registration decal
9 in an alternate location for antique boats. In this subsection, "antique boat" means a boat
10 that:

11 1. Is used primarily for recreational purposes; and

12 2. Was manufactured before 1968.

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

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

1 inform the tribe which numbers have been reserved for the tribe. The tribe shall deliver
2 to the Tax Commission the information required by subsection A of Section 4016 of this
3 title upon initial registration and any subsequent change of ownership in a format and
4 pursuant to a schedule approved by the Tax Commission. Information for initial
5 registration shall be accompanied by payment of the fee set forth in subsection A of
6 Section 4021 of this title. The tribe shall notify the Tax Commission of the number, from
7 the set of permanent numbers assigned the tribe, that has been assigned to the vessel or
8 outboard motor by the tribe. The tribe shall also annually, on or before an agreed-upon
9 date, notify the Tax Commission of all vessels and outboard motors to which a permanent
10 number was assigned pursuant to this section which were registered by the tribe during
11 the preceding year.

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

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

17 SECTION 4. AMENDATORY 63 O.S. 2001, Section 4201, as amended by
18 Section 2, Chapter 66, O.S.L. 2002 (63 O.S. Supp. 2006, Section 4201), is amended to
19 read as follows:

20 Section 4201. In addition to the terms defined by the Oklahoma Vessel and Motor
21 Registration Act, for the purposes of the Oklahoma Boating Safety Regulation Act:

- 1 1. "Buoy" means an anchored marker for marking a position on the water, or a
2 hazard, shoal or mooring, or any other prohibitive activity area;
- 3 2. "Capacity plate" means a sign posted in view of the operator's station on a vessel
4 which designates the maximum weight capacity and horsepower restrictions of a vessel
5 for safe operation;
- 6 3. "Diver's flag" means a red flag not less than twenty (20) inches by twenty-four
7 (24) inches with a four-inch white stripe running from one upper corner to a diagonal
8 lower corner, and such flag is used to indicate a submerged diver;
- 9 4. "Emergency vessel" means any law enforcement vessel which is legally
10 authorized to operate in the emergency mode;
- 11 5. "Law enforcement vessel" means any vessel legally authorized to operate under
12 the color of law;
- 13 6. "Lienholder" means a person holding a security interest in a vessel, as shown on
14 the vessel title;
- 15 7. "Manipulate" means to guide, steer or otherwise control;
- 16 8. "Marine sewage" means any substance, treated or untreated, that contains any
17 of the waste products of humans or animals or foodstuffs;
- 18 9. "Marine toilet" means any latrine, head, lavatory or toilet intended to receive
19 marine sewage and which is located on or in any vessel;
- 20 10. "Operator" means the person who operates, has actual physical control, or has
21 charge of the navigation or use of a vessel;

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

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

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

7 ~~13.~~ 14. "Personal watercraft" means a vessel which uses an inboard motor powering
8 a water jet pump as its primary source of motive power and which is designed to be
9 operated by a person sitting, standing or kneeling on the vessel, rather than the
10 conventional manner of sitting or standing inside the vessel, or a vessel which is similar
11 in appearance and operation to a personal watercraft but which is powered by an
12 outboard or propeller driven motor, or a vessel less than sixteen (16) feet in length which
13 travels across the water above or on a cushion of air provided by engines, propellers or
14 other means of propulsion;

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

18 ~~15.~~ 16. "Under way" means the movement of a vessel whether by mechanical or
19 nonmechanical means which is other than incidental to the force of wind, waves or
20 current; and

21 ~~16.~~ 17. "Wake" means the track of waves left by a vessel or other object moving
22 through the water, and such waves are greater than the natural waves in the immediate

1 area of the vessel, or are cresting and showing white water, or may cause injury or
2 damage to any person or property.

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

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

10 B. No person shall lease or otherwise give permission to another person to operate
11 any vessel on any waters of this state, except privately owned waters, while the operator
12 is under the influence of alcohol or any substance included in the Uniform Controlled
13 Dangerous Substances Act, Section 2-101 et seq. of this title, or any combination of
14 alcohol and such substance.

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

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

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

7 F. No person shall operate, drive or be in actual physical control of any vessel on
8 any waters of this state, except privately owned waters, at speeds in excess of the speed
9 limits established for those waters.

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

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

20 H. I. Any violation of the provisions of this section shall constitute a misdemeanor
21 and shall be punishable, upon conviction, by a fine of not less than Fifty Dollars (\$50.00)

1 nor more than Two Hundred Fifty Dollars (\$250.00) shall be subject to imprisonment in
2 the county jail for a period not to exceed six (6) months.

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

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

- 9 a. a person who is at least eight (8) years old, and who, in addition to the
10 operator, is in a position to observe the progress of the person or
11 persons being towed,
12 b. if the vessel is not a personal watercraft, an efficient wide angle convex
13 rear view mirror installed on such vessel in such manner as to permit
14 the person operating said vessel to face the direction of travel and be in
15 a position to observe the progress of the person or persons being towed,
16 or
17 c. if the vessel is a personal watercraft, two efficient wide angle convex
18 rear view mirrors installed on such vessel in such manner as to permit
19 the person operating such watercraft to face the direction of travel and
20 be in a position to observe the progress of the person or person being
21 towed.

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

3 B. No person shall operate or give permission to operate a vessel on any waters of
4 this state towing a person or persons using parasails or on water skis, a surfboard, a
5 sailboard or similar device nor shall any person engage in parasailing, water skiing,
6 surfboarding, sailboarding or similar activity at any time between the hours from sunset
7 to sunrise or at such time visibility due to other existing conditions is obscured so as to
8 endanger life or property.

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

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

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

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

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

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

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

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

20 B. If a collision, accident, or other casualty results in death or injury to a person or
21 damage to property in excess of ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars
22 (\$2,000.00), the operator of the vessel involved in the collision, accident, or other casualty

1 shall file with the Department of Public Safety a full description of the collision, accident,
2 or other casualty, and such information as the Department may require.

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

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

14 E. The person charged with the violation may give his written promise to appear in
15 court by signing the written notice to appear prepared by the officer, in which event the
16 officer shall deliver a copy of the notice to appear to the person, and thereupon the officer
17 shall not take the person into physical custody for the violation.

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

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

6 H. In accordance with any request duly made by an authorized official or agency of
7 the United States, any information compiled or otherwise available to the Department of
8 Public Safety pursuant to this section shall be transmitted to said official or agency of the
9 United States.

10 I. Any employee or officer of an agency of this state, or employee or officer of a
11 municipality or county in this state, shall make a written report to the Department of
12 Public Safety if an occurrence involving a vessel or its equipment results in one or more
13 of the following:

- 14 1. A person dies;
- 15 2. A person is injured and requires medical treatment beyond first aid;
- 16 3. Damage to the vessel and other property totals more than ~~Five Hundred Dollars~~
17 ~~(\$500.00)~~ Two Thousand Dollars (\$2,000.00) or there is a complete loss of the vessel;
- 18 4. A person disappears from the vessel under circumstances that indicate death or
19 injury;
- 20 5. A person drowns in swimming to retrieve a vessel that is adrift from its mooring
21 or dock, having departed from a position of inherent safety such as a shore or pier;

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

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

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

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

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

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

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

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

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

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

21 B. A person ~~under~~ at least twelve (12) years of age, but who has not reached
22 sixteen (16) years of age, shall not operate any vessel, as defined in this section, powered

1 by a motor or combination of motors in excess of ten (10) horsepower or any sail-powered
2 vessel sixteen (16) feet or greater in length on the waters of this state unless the person
3 has:

4 1. Successfully completed a boating safety education course or has passed a
5 proctored equivalency examination which tests the knowledge of information included in
6 the curriculum of such a course; and

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

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

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

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

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

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

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

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

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

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

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

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

10 3. The issuance of boating safety education certificates.

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

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

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
2 dated 02-28-07 - DO PASS, As Amended and Coauthored.