

THE HOUSE OF REPRESENTATIVES
Tuesday, April 10, 2007

ENGROSSED

Senate Bill No. 558

ENGROSSED SENATE BILL NO. 558 - By: SPARKS of the Senate and RICHARDSON of the House.

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

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

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

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

1 September of each year as free hunting days in which residents of this state may hunt
2 without first procuring a hunting license pursuant to the provisions of this section.

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

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

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

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

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

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

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

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

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

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

1 c. Of the amount of monies collected pursuant to the provisions of this
2 paragraph, Five Dollars (\$5.00) of the license fee for hunting game
3 other than deer, antelope and elk, Five Dollars (\$5.00) of the license fee
4 for hunting deer, Five Dollars (\$5.00) of the license fee for hunting
5 antelope and elk and Two Dollars and fifty cents (\$2.50) of the five-day
6 hunting license shall be deposited in the Wildlife Land Acquisition
7 Fund created pursuant to the provisions of Section 4-132 of this title.

8 2. Disability hunting license, residents of this state for at least six (6) months and
9 who are receiving Social Security Disability benefits, Supplemental Security Income
10 benefits or disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section
11 231a or residents who are one hundred percent (100%) disabled and are receiving
12 disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title
13 85 of the Oklahoma Statutes, may purchase a disability hunting license from the
14 Director for Ten Dollars (\$10.00) for five (5) years.

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

- 17 a. residents sixty-four (64) years of age or older provided such residents
18 have obtained a senior citizen's license pursuant to the provisions of
19 Section 4-133 of this title,
20 b. legal residents of Oklahoma under eighteen (18) years of age provided
21 such residents shall be required to pay a deer gun hunting license fee
22 of Nine Dollars (\$9.00),

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

6 d. residents hunting in big game or combination big game and upland
7 game commercial hunting areas shall be exempt from the fees specified
8 pursuant to this paragraph.

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

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

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

5 7. Bonus, special or second deer gun hunting license, residents, Nineteen Dollars
6 (\$19.00). No exemptions except:

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

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

15 c. residents hunting in big game or combination big game and upland
16 game commercial hunting areas shall be exempt from the fees specified
17 pursuant to this paragraph.

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

20 1. For legal residents eighteen (18) years of age and older, Nineteen Dollars
21 (\$19.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars
22 (\$4.00); and

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

3 E. The provisions of this section shall not be construed to require a hunting license,
4 resident or nonresident, of any person merely because the person participates, as owner
5 or handler of an entry, as an official, or as a spectator in the conduct of a field trial or
6 performance test of dogs, whether a resident or nonresident of the State of Oklahoma.
7 No license to hunt shall be required of any person engaged in training or working dogs,
8 provided that person is in no way engaged in hunting and does not take or attempt to
9 take in any manner any game.

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

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

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

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

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

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

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

20 Section 4-140. A. Except as otherwise provided for in this section, no person may
21 hunt, pursue, trap, harass, catch, kill, take, or attempt to take in any manner, use, have
22 in possession, sell, or transport all or any portion of any wildlife including fish unless the

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

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

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

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

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

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

12 5. Persons holding a valid nonresident lifetime fishing license;

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

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

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

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

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

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

5 12. Any patient of an institution of the State of Oklahoma established for the care
6 and treatment of mental illness or alcohol or drug dependency or any developmentally
7 disabled person residing in any group home or other institution or developmentally
8 disabled persons when accompanied by an attendant of such institution or legal guardian
9 of said patient, or when fishing on institutional property;

10 13. Any person who is legally blind or who has any other physical impairment, as
11 certified by a physician licensed in this state or any state which borders this state, which
12 prevents the person from properly using fishing apparatus without the assistance of
13 another person, and any one person actually accompanying and actually assisting such
14 legally blind or otherwise physically impaired person while the latter is fishing. This
15 certification shall be carried by the individual while fishing;

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

17 15. Job Corps trainees of this state, provided that such trainees shall have on their
18 persons a duly authorized identification card issued by their respective Job Corps Center
19 and shall present such card upon request, in lieu of a fishing license. The trainees shall
20 return their cards to their respective Job Corps Center when the trainees leave their
21 respective Job Corps training programs;

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

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

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

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

- 15 a. the payment of bond debt and related expenses incurred pursuant to
16 Section 168.9 of Title 73 of the Oklahoma Statutes for the purchase of
17 public hunting, fishing, and trapping areas where the public may hunt,
18 fish, or trap as authorized by law or for the purchase, lease, or
19 purchasing of easements on real property to be used as public hunting,
20 fishing, and trapping areas, and

1 b. the management of the real property acquired pursuant to Section
2 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds
3 from the Oklahoma Wildlife Land Stamp fee.

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

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

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

7 B. Each dealer shall remit all license fees received by the dealer and return all
8 unsold licenses to the Department within the time period specified by the Department. A
9 dealer shall not charge more than the license fee established by statute or by commission
10 resolution, provided each dealer shall be authorized to collect and retain a One Dollar
11 (\$1.00) selling fee per license in addition to the license fee for handling costs.

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

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

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

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

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

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

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 04-09-
21 07 - DO PASS.