

EHB 3164

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 3164

ENGROSSED HOUSE BILL NO. 3164 - By: Blackwell of the House and Myers of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2007, Section 4-112), which relates to hunting licenses; changing five-day nonresident hunting license to include pheasant; changing fee for the five-day nonresident hunting license; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-112, as last amended by Section 1, Chapter 35, O.S.L. 2007 (29 O.S. Supp. 2007, Section 4-112), is amended to read as follows:

Section 4-112. A. Except as otherwise provided for in the Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae Act, no person may hunt, pursue, trap, harass, catch, kill, take or 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 hunting days in which residents of this state may hunt without first

1 procuring a hunting license pursuant to the provisions of this
2 section.

3 B. Pursuant to the provisions of this Code, persons excepted
4 from the license 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
7 older provided they have obtained a senior citizen's license
8 pursuant to the provisions of Section 4-133 of this title;

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

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

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

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

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

20 8. Legal residents having a proven disability which renders
21 them nonambulatory and confines them to a wheelchair, as certified
22 by a physician licensed in this state or in any state which borders
23 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, or turkey, ~~or pheasant~~, the fee shall

1 be ~~Forty one Dollars and fifty cents (\$41.50)~~ Sixty-
2 nine Dollars (\$69.00).

3 b. Annual combination hunting licenses for nonresidents
4 hunting one antlered and one antlerless deer, Two
5 Hundred Fifty Dollars (\$250.00); for nonresidents
6 hunting an additional antlerless deer, Fifty Dollars
7 (\$50.00) which shall be valid only on private lands
8 not managed by the Department of Wildlife
9 Conservation.

10 c. Of the amount of monies collected pursuant to the
11 provisions of this paragraph, Five Dollars (\$5.00) of
12 the license fee for hunting game other than deer,
13 antelope and elk, Five Dollars (\$5.00) of the license
14 fee for hunting deer, Five Dollars (\$5.00) of the
15 license fee for hunting antelope and elk and Two
16 Dollars and fifty cents (\$2.50) of the five-day
17 hunting license shall be deposited in the Wildlife
18 Land Acquisition Fund created pursuant to the
19 provisions of Section 4-132 of this title.

20 2. Disability hunting license, residents of this state for at
21 least six (6) months and who are receiving Social Security
22 Disability benefits, Supplemental Security Income benefits or
23 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,

1 Section 231a or residents who are ~~one hundred percent (100%)~~ one-
2 hundred-percent disabled and are receiving disability payments from
3 the Multiple Injury Trust Fund pursuant to Section 173 of Title 85
4 of the Oklahoma Statutes, may purchase a disability hunting license
5 from the Director for Ten Dollars (\$10.00) for five (5) years.

6 3. Deer gun hunting license, residents, Nineteen Dollars
7 (\$19.00). There shall be no exemptions except:

- 8 a. residents sixty-four (64) years of age or older
9 provided such residents have obtained a senior
10 citizen's license pursuant to the provisions of
11 Section 4-133 of this title,
- 12 b. legal residents of Oklahoma under eighteen (18) years
13 of age provided such residents shall be required to
14 pay a deer gun hunting license fee of Nine Dollars
15 (\$9.00),
- 16 c. residents with proper certification from the United
17 States Department of Veterans Affairs or its
18 successor, certifying that the person is a disabled
19 veteran in receipt of compensation at the one-hundred-
20 percent rate shall be exempt from the fees specified
21 pursuant to this paragraph, and
- 22 d. residents hunting in big game or combination big game
23 and upland game commercial hunting areas shall be

1 exempt from the fees specified pursuant to this
2 paragraph.

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

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

21 6. Elk or antelope hunting license, residents, Fifty Dollars
22 (\$50.00). There shall be no exemptions except residents hunting in
23 big game or combination big game and upland game commercial hunting

1 areas shall be exempt from the fees specified pursuant to this
2 paragraph.

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

5 a. residents sixty-five (65) 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. persons with proper certification from the United
10 States Department of Veterans Affairs or its
11 successor, certifying that the person is a disabled
12 veteran in receipt of compensation at the one-hundred-
13 percent rate shall be exempt from the fees specified
14 pursuant to this paragraph, and

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

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

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

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

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

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

- 20 a. for legal residents, Fifty Dollars (\$50.00), and
21 b. for nonresidents, One Hundred Forty-five Dollars
22 (\$145.00).

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

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

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

20 I. Unless a substitute license is purchased as provided for by
21 subsection F of this section, any nonresident convicted of violating
22 the provisions of this section shall be punished by the imposition
23 of a fine of not less than Two Hundred Dollars (\$200.00) nor more

1 than Five Hundred Dollars (\$500.00), or by imprisonment in the
2 county jail for a period not to exceed six (6) months, or by both.

3 SECTION 2. This act shall become effective November 1, 2008.

4 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-3-08 -
5 DO PASS.