

3 Senate Bill No. 558

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

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

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

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

20 Section 4-112. A. Except as otherwise provided for in the
21 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
22 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
23 attempt to take in any manner, use, have in possession, sell, or
24 transport all or any portion of any wildlife except fish, without
25 having first procured a license from the Department of Wildlife
26 Conservation. The Wildlife Conservation Commission shall designate
27 a consecutive Saturday and Sunday in September of each year as free
28 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,

1 antelope, elk, turkey, or pheasant, the fee shall be
2 Forty-one Dollars and fifty cents (\$41.50).

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%)
2 disabled and are receiving disability payments from the Multiple
3 Injury Trust Fund pursuant to Section 173 of Title 85 of the
4 Oklahoma Statutes, may purchase a disability hunting license from
5 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. AMENDATORY Section 1, Chapter 513, O.S.L.
4 2004, as amended by Section 2, Chapter 304, O.S.L. 2005 (29 O.S.
5 Supp. 2006, Section 4-140), is amended to read as follows:

6 Section 4-140. A. Except as otherwise provided for in this
7 section, no person may hunt, pursue, trap, harass, catch, kill,
8 take, or attempt to take in any manner, use, have in possession,
9 sell, or transport all or any portion of any wildlife including fish
10 unless the person has first obtained an Oklahoma Wildlife Land Stamp
11 from the Director or any authorized agents of the Department of
12 Wildlife Conservation. Each person shall have the stamp in their
13 possession when hunting, fishing, or taking any wildlife.

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

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

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

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

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

- 1 5. Persons holding a valid nonresident lifetime fishing
2 license;
- 3 6. Persons who have acquired a license pursuant to Section 4-
4 110 or Section 4-128 of this title for fishing in the area of Lake
5 Texoma located within the state;
- 6 7. Nonresidents under sixteen (16) years of age from states
7 which do not require nonresident fishing licenses for persons under
8 sixteen (16) years of age;
- 9 8. Nonresidents sixty-four (64) years of age or older from
10 states which do not require nonresident fishing licenses for persons
11 sixty-four (64) years of age or older;
- 12 9. Legal resident veterans having a disability of sixty percent
13 (60%) or more;
- 14 10. Legal resident owners or tenants, their spouses, parents,
15 grandparents, children and their spouses, grandchildren and their
16 spouses who hunt on land owned or leased by them or fish in private
17 ponds on land owned or leased by them;
- 18 11. Every Oklahoma citizen who is serving in a branch of the
19 United States Armed Forces, is on properly authorized leave of
20 absence from military duty, has in possession proper written
21 evidence showing such authorized leave, and is serving outside the
22 State of Oklahoma at the time of such fishing or hunting;

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

8 13. Any person who is legally blind or who has any other
9 physical impairment, as certified by a physician licensed in this
10 state or any state which borders this state, which prevents the
11 person from properly using fishing apparatus without the assistance
12 of another person, and any one person actually accompanying and
13 actually assisting such legally blind or otherwise physically
14 impaired person while the latter is fishing. This certification
15 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
18 trainees shall have on their persons a duly authorized
19 identification card issued by their respective Job Corps Center and
20 shall present such card upon request, in lieu of a fishing license.
21 The trainees shall return their cards to their respective Job Corps
22 Center when the trainees leave their respective Job Corps training
23 programs;

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

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

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

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

19 a. the payment of bond debt and related expenses incurred
20 pursuant to Section 168.9 of Title 73 of the Oklahoma
21 Statutes for the purchase of public hunting, fishing,
22 and trapping areas where the public may hunt, fish, or
23 trap as authorized by law or for the purchase, lease,

1 or purchasing of easements on real property to be used
2 as public hunting, fishing, and trapping areas, and
3 b. the management of the real property acquired pursuant
4 to Section 168.9 of Title 73 of the Oklahoma Statutes
5 or acquired with proceeds from the Oklahoma Wildlife
6 Land Stamp fee.

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

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

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

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

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

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

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

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

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

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

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

7 C. Dealers shall be penalized for every blank hunting and
8 fishing license form that is not returned to the Oklahoma Department
9 of Wildlife Conservation. The penalty shall be the average sales
10 value of the last fifty original licenses sold by the dealer. If
11 the dealer has not sold fifty original licenses, the penalty shall
12 be the sales value of the most expensive license sold by the
13 Department.

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

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

22 1. Upon failure of a dealer to remit the license fees and
23 penalty, as required, the Department shall give written notice to

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

1 Procedures Act. If an appeal is not made, such order may be entered
2 on the judgment docket of the district court in a county in which
3 the debtor has property and thereafter enforced in the same manner
4 as an order of the district court for collection actions.

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

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

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

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

19 SECTION 5. Sections 1 and 2 shall become effective November 1,
20 2007.

21 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 2-15-07
22 - DO PASS, As Coauthored.