

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1075

By: Carey

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5
6 AS INTRODUCED

7 An Act relating to public safety; amending Section 5,
8 Chapter 379, O.S.L. 2004, as amended by Section 102,
9 Chapter 1, O.S.L. 2005 (63 O.S. Supp. 2006, Section
10 4030), which relates to the Oklahoma Vessel and Motor
11 Registration Act; requiring permanent vessel numbers
12 conform to certain regulations; requiring development
13 of certain numbering system; providing specifications
14 for placement of vessel registration decals and
15 numbers; amending 63 O.S. 2001, Sections 4201, as
16 amended by Section 2, Chapter 66, O.S.L. 2002, 4210,
17 as amended by Section 6, Chapter 393, O.S.L. 2003,
18 4212, as amended by Section 7, Chapter 393, O.S.L.
19 2003 and 4214 (63 O.S. Supp. 2006, Sections 4201,
20 4210 and 4212), which relate to the Oklahoma Boating
21 Safety Regulation Act; adding definition; clarifying
22 vessel capacity limitation; prohibiting operation of
23 certain vessels; providing an exception; deleting
24 certain age limitation and exception; prohibiting use
of certain towing device; increasing property damage
amount; amending Section 2, Chapter 228, O.S.L. 2006
(63 O.S. Supp. 2006, Section 4232), which relates to
the Kyle Williams Boating Safety Education Act;
clarifying certain age limitation; and providing an
effective date.

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

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

1 Section 4030. A. 1. Except as otherwise provided by this
2 section, every vessel on the waters of this state shall display the
3 permanent number assigned to it by the Oklahoma Tax Commission or by
4 a federally recognized Indian tribe of this state which number shall
5 not be obliterated, erased, mutilated, removed or missing.

6 2. In order to ensure:

7 a. that permanent numbers issued by a federally
8 recognized Indian tribe of this state conform to
9 federal statutory and regulatory requirements of the
10 United States Coast Guard, and

11 b. the rights prescribed in paragraph 1 of this
12 subsection are extended to each federally recognized
13 Indian tribe of this state,

14 every vessel on the waters of this state, assigned a permanent
15 number by a federally recognized Indian tribe of this state which
16 issues permanent numbers, shall be recorded and maintained by the
17 Tax Commission in the same manner as the Tax Commission records and
18 maintains the permanent number of vessels on the waters of this
19 state which are assigned by the Tax Commission.

20 3. The Tax Commission and each federally recognized Indian
21 tribe of this state which issues or intends to issue permanent
22 numbers shall develop and implement a permanent number system
23 consistent with United States Coast Guard statutes and regulations.
24 The system shall be effective on the effective date of this act.

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

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

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

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

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

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

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

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

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

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

11 2. In-line with and within six (6) inches aft of the permanent
12 number.

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

19 1. Be maintained in legible condition;

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

23 3. Read from left to right;
24

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

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

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

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

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

- 14 1. Is used primarily for recreational purposes; and
15 2. Was manufactured before 1968.

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

22 SECTION 2. AMENDATORY 63 O.S. 2001, Section 4201, as
23 amended by Section 2, Chapter 66, O.S.L. 2002 (63 O.S. Supp. 2006,
24 Section 4201), is amended to read as follows:

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

4 1. "Buoy" means an anchored marker for marking a position on
5 the water, or a hazard, shoal or mooring, or any other prohibitive
6 activity area;

7 2. "Capacity plate" means a sign posted in view of the
8 operator's station on a vessel which designates the maximum weight
9 capacity and horsepower restrictions of a vessel for safe operation;

10 3. "Diver's flag" means a red flag not less than twenty (20)
11 inches by twenty-four (24) inches with a four-inch white stripe
12 running from one upper corner to a diagonal lower corner, and such
13 flag is used to indicate a submerged diver;

14 4. "Emergency vessel" means any law enforcement vessel which is
15 legally authorized to operate in the emergency mode;

16 5. "Law enforcement vessel" means any vessel legally authorized
17 to operate under the color of law;

18 6. "Lienholder" means a person holding a security interest in a
19 vessel, as shown on the vessel title;

20 7. "Manipulate" means to guide, steer or otherwise control;

21 8. "Marine sewage" means any substance, treated or untreated,
22 that contains any of the waste products of humans or animals or
23 foodstuffs;

1 9. "Marine toilet" means any latrine, head, lavatory or toilet
2 intended to receive marine sewage and which is located on or in any
3 vessel;

4 10. "Operator" means the person who operates, has actual
5 physical control, or has charge of the navigation or use of a
6 vessel;

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

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

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

15 ~~13.~~ 14. "Personal watercraft" means a vessel which uses an
16 inboard motor powering a water jet pump as its primary source of
17 motive power and which is designed to be operated by a person
18 sitting, standing or kneeling on the vessel, rather than the
19 conventional manner of sitting or standing inside the vessel, or a
20 vessel which is similar in appearance and operation to a personal
21 watercraft but which is powered by an outboard or propeller driven
22 motor, or a vessel less than sixteen (16) feet in length which
23 travels across the water above or on a cushion of air provided by
24 engines, propellers or other means of propulsion;

1 ~~14.~~ 15. "Sanctioned event" means any organized event on the
2 waters of this state, including but not limited to regattas,
3 motorboat or other boat races, marine parades, tournaments and
4 exhibitions, which is approved and permitted by an authorizing
5 agency;

6 ~~15.~~ 16. "Under way" means the movement of a vessel whether by
7 mechanical or nonmechanical means which is other than incidental to
8 the force of wind, waves or current; and

9 ~~16.~~ 17. "Wake" means the track of waves left by a vessel or
10 other object moving through the water, and such waves are greater
11 than the natural waves in the immediate area of the vessel, or are
12 cresting and showing white water, or may cause injury or damage to
13 any person or property.

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

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

22 B. No person shall lease or otherwise give permission to
23 another person to operate any vessel on any waters of this state,
24 except privately owned waters, while the operator is under the

1 influence of alcohol or any substance included in the Uniform
2 Controlled Dangerous Substances Act, Section 2-101 et seq. of this
3 title, or any combination of alcohol and such substance.

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

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

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

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

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

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

17 ~~H.~~ I. Any violation of the provisions of this section shall
18 constitute a misdemeanor and shall be punishable, upon conviction,
19 by a fine of not less than Fifty Dollars (\$50.00) nor more than Two
20 Hundred Fifty Dollars (\$250.00) shall be subject to imprisonment in
21 the county jail for a period not to exceed six (6) months.

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

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

5 a. a person who is at least eight (8) years old, and who,
6 in addition to the operator, is in a position to
7 observe the progress of the person or persons being
8 towed,

9 b. if the vessel is not a personal watercraft, an
10 efficient wide angle convex rear view mirror installed
11 on such vessel in such manner as to permit the person
12 operating said vessel to face the direction of travel
13 and be in a position to observe the progress of the
14 person or persons being towed, or

15 c. if the vessel is a personal watercraft, two efficient
16 wide angle convex rear view mirrors installed on such
17 vessel in such manner as to permit the person
18 operating such watercraft to face the direction of
19 travel and be in a position to observe the progress of
20 the person or person being towed.

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

23 B. No person shall operate or give permission to operate a
24 vessel on any waters of this state towing a person or persons using

1 parasails or on water skis, a surfboard, a sailboard or similar
2 device nor shall any person engage in parasailing, water skiing,
3 surfboarding, sailboarding or similar activity at any time between
4 the hours from sunset to sunrise or at such time visibility due to
5 other existing conditions is obscured so as to endanger life or
6 property.

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

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

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

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

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

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

9 SECTION 5. AMENDATORY 63 O.S. 2001, Section 4214, is
10 amended to read as follows:

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

1 B. If a collision, accident, or other casualty results in death
2 or injury to a person or damage to property in excess of Five
3 ~~Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00), the
4 operator of the vessel involved in the collision, accident, or other
5 casualty shall file with the Department of Public Safety a full
6 description of the collision, accident, or other casualty, and such
7 information as the Department may require.

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

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

22 E. The person charged with the violation may give his written
23 promise to appear in court by signing the written notice to appear
24 prepared by the officer, in which event the officer shall deliver a

1 copy of the notice to appear to the person, and thereupon the
2 officer shall not take the person into physical custody for the
3 violation.

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

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

16 H. In accordance with any request duly made by an authorized
17 official or agency of the United States, any information compiled or
18 otherwise available to the Department of Public Safety pursuant to
19 this section shall be transmitted to said official or agency of the
20 United States.

21 I. Any employee or officer of an agency of this state, or
22 employee or officer of a municipality or county in this state, shall
23 make a written report to the Department of Public Safety if an
24

1 occurrence involving a vessel or its equipment results in one or
2 more of the following:

3 1. A person dies;

4 2. A person is injured and requires medical treatment beyond
5 first aid;

6 3. Damage to the vessel and other property totals more than
7 ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) or
8 there is a complete loss of the vessel;

9 4. A person disappears from the vessel under circumstances that
10 indicate death or injury;

11 5. A person drowns in swimming to retrieve a vessel that is
12 adrift from its mooring or dock, having departed from a position of
13 inherent safety such as a shore or pier;

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

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

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

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

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

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

3 SECTION 6. AMENDATORY Section 2, Chapter 228, O.S.L.
4 2006 (63 O.S. Supp. 2006, Section 4232), is amended to read as
5 follows:

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

7 1. "Vessel" shall have the same meaning as defined in Section
8 4002 of ~~Title 63 of the Oklahoma Statutes~~ this title, but shall not
9 include personal watercraft; and

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

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

20 1. Successfully completed a boating safety education course or
21 has passed a proctored equivalency examination which tests the
22 knowledge of information included in the curriculum of such a
23 course; and
24

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

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

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

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

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

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

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

23

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

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

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

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

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

14 3. The issuance of boating safety education certificates.

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

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

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

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

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

3 SECTION 7. This act shall become effective November 1, 2007.
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