

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2803

By: Brown

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5  
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.  
8 2001, Section 4-110, as last amended by Section 10,  
9 Chapter 16, O.S.L. 2006 (29 O.S. Supp. 2007, Section  
10 4-110), which relates to fishing licenses; clarifying  
11 statutory language; allowing certain veterans to  
12 purchase the five-year fishing license; and providing  
13 an effective date.

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

15 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-110, as  
16 last amended by Section 10, Chapter 16, O.S.L. 2006 (29 O.S. Supp.  
17 2007, Section 4-110), is amended to read as follows:

18 Section 4-110. A. Except as otherwise provided in the Oklahoma  
19 Wildlife Conservation Code, no person shall fish, pursue, harass,  
20 catch, kill, take in any manner, use, have in possession, sell, or  
21 transport all or any portion of fish without having first procured a  
22 license for such from the Director or from any of the authorized  
23 agents of the Department of Wildlife Conservation. The Wildlife  
24 Conservation Commission may designate two (2) days per year in which

1 residents and nonresidents may fish without first procuring a  
2 fishing license pursuant to the provisions of this section.

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

5 1. Legal residents under sixteen (16) years of age and  
6 nonresidents under sixteen (16) years of age from states which do  
7 not require nonresident fishing licenses for persons under sixteen  
8 (16) years of age;

9 2. Legal residents sixty-four (64) years of age or older and  
10 nonresidents sixty-four (64) years of age or older from states which  
11 do not require nonresident fishing licenses for persons sixty-four  
12 (64) years of age or older, provided such resident has obtained a  
13 senior citizen's license pursuant to the provisions of Section 4-133  
14 of this title;

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

16 4. Legal resident veterans having a disability of sixty percent  
17 (60%) or more;

18 5. Legal resident owners or tenants, their spouses, parents,  
19 grandparents, children and their spouses, grandchildren and their  
20 spouses who fish in private ponds on land owned or leased by them;

21 6. Every Oklahoma citizen who is serving in a branch of the  
22 United States Armed Forces, is on properly authorized leave of  
23 absence from military duty, has in possession proper written  
24

1 evidence showing such authorized leave, and is serving outside the  
2 State of Oklahoma at the time of such fishing;

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

10 8. Any person under eighteen (18) years of age who is in the  
11 legal and physical custody of the State of Oklahoma or one of its  
12 agencies by court order;

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

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

24 11. Nonresidents under fourteen (14) years of age;

1       12. Job Corps trainees of this state, provided that such  
2 trainees shall have on their persons a duly authorized  
3 identification card issued by their respective Job Corps Center and  
4 shall present such card upon request, in lieu of a fishing license.  
5 The trainees shall return their cards to their respective Job Corps  
6 Center when the trainees leave their respective Job Corps training  
7 programs;

8       13. Any legal resident having a proven disability which renders  
9 the resident nonambulatory and confined to a wheelchair as certified  
10 by a physician licensed in this state or any state which borders  
11 this state;

12       14. Any person who is fishing with a pole and line, trotline,  
13 or throwline in streams, natural lakes, natural ponds, and mine pits  
14 in the county in which the person is a resident, or in streams,  
15 natural lakes, natural ponds, and mine pits which form a part of the  
16 boundary line of the county in which the person is a resident, when  
17 using any bait other than commercial or artificial bait, blood,  
18 stink bait, cut fish, and shrimp; and

19       15. Any person participating in an aquatic education event or  
20 clinic sanctioned by the Department of Wildlife Conservation.

21       C. Except as otherwise provided for in the Oklahoma Wildlife  
22 Conservation Code, the fee for an annual license issued pursuant to  
23 the provisions of this section shall be:  
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1        1. For legal residents eighteen (18) years of age and older,  
2 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or  
3 seventeen (17) years of age, Four Dollars (\$4.00). For a two-day  
4 resident permit license, Nine Dollars (\$9.00); and

5        2. For nonresidents, Thirty-six Dollars (\$36.00), provided the  
6 Commission may enter into reciprocity agreements with states wherein  
7 nonresident license fees shall be in conformity with such reciprocal  
8 agreements. For a five-day nonresident permit license, Seventeen  
9 Dollars and fifty cents (\$17.50). Of the amount of monies collected  
10 pursuant to the provisions of this paragraph, Five Dollars (\$5.00)  
11 of the license fee for nonresidents, and One Dollar and fifty cents  
12 (\$1.50) of the five-day nonresident permit fee shall be deposited in  
13 the Wildlife Land Acquisition Fund created pursuant to the  
14 provisions of Section 4-132 of this title.

15        D. Legal residents who have resided in this state for at least  
16 six (6) months and who are receiving:

17        1. Receiving Social Security Disability benefits<sub>7</sub>;

18        2. Receiving Supplemental Security Income benefits<sub>7</sub>;

19        3. Receiving disability benefits under the Railroad Retirement  
20 Act, 45 U.S.C.A., Section 231a, ~~postal~~;

21        4. Postal employees receiving disability benefits pursuant to  
22 5, U.S.C., Section 8451 (1998) ~~or legal residents who are one~~;

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1        5. One hundred percent (100%) disabled and are receiving  
2 disability payments from the Multiple Injury Trust Fund pursuant to  
3 Section 173 of Title 85 of the Oklahoma Statutes; and

4        6. Veterans having a disability of less than sixty percent  
5 (60%),

6        may purchase a disability fishing license from the Director for Ten  
7 Dollars (\$10.00) for five (5) years.

8        E. 1. Any person arrested while violating the provisions of  
9 this section who does not meet the requirements of subsection H of  
10 this section, may purchase a substitute temporary thirty-day license  
11 from the arresting game warden in lieu of posting bond. The fee for  
12 a substitute license purchased pursuant to the provisions of this  
13 subsection shall be:

14            a. for legal residents, Fifty Dollars (\$50.00), and

15            b. for nonresidents, Ninety Dollars (\$90.00).

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

21        F. Unless a substitute license is purchased as provided for by  
22 subsection E of this section, any resident of this state convicted  
23 of violating the provisions of this section shall be punished by the  
24 imposition of a fine of not less than Twenty-five Dollars (\$25.00)

1 nor more than Two Hundred Dollars (\$200.00) or by imprisonment in  
2 the county jail for a period not to exceed thirty (30) days, or by  
3 both said fine and imprisonment.

4 G. Unless a substitute license is purchased as provided for by  
5 subsection E of this section, any nonresident convicted of violating  
6 this section shall be punished by a fine of not less than Fifty  
7 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by  
8 imprisonment in the county jail for a period not more than thirty  
9 (30) days, or by both such fine and imprisonment.

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

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

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20 51-2-8203 KB 01/02/08

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