

1 STATE OF OKLAHOMA

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

3 SENATE BILL 174

By: Barrington

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6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.
8 2001, Sections 4-110, as last amended by Section 10,
Chapter 16, O.S.L. 2006 and 4-112, as last amended by
9 Section 15, Chapter 138, O.S.L. 2006 (29 O.S. Supp.
2006, Sections 4-110 and 4-112), which relate to
10 hunting licenses; adding exemption; and providing an
effective date.

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

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

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

21 16. Any legal resident of Oklahoma who serves as a volunteer
22 firefighter in a volunteer fire department, as defined in Section
23 29-202 of Title 11 of the Oklahoma Statutes.

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1 C. Except as otherwise provided for in the Oklahoma Wildlife
2 Conservation Code, the fee for an annual license issued pursuant to
3 the provisions of this section shall be:

4 1. For legal residents eighteen (18) years of age and older,
5 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
6 seventeen (17) years of age, Four Dollars (\$4.00). For a two-day
7 resident permit license, Nine Dollars (\$9.00); and

8 2. For nonresidents, Thirty-six Dollars (\$36.00), provided the
9 Commission may enter into reciprocity agreements with states wherein
10 nonresident license fees shall be in conformity with such reciprocal
11 agreements. For a five-day nonresident permit license, Seventeen
12 Dollars and fifty cents (\$17.50). Of the amount of monies collected
13 pursuant to the provisions of this paragraph, Five Dollars (\$5.00)
14 of the license fee for nonresidents, and One Dollar and fifty cents
15 (\$1.50) of the five-day nonresident permit fee shall be deposited in
16 the Wildlife Land Acquisition Fund created pursuant to the
17 provisions of Section 4-132 of this title.

18 D. Legal residents who have resided in this state for at least
19 six (6) months and who are receiving Social Security Disability
20 benefits, Supplemental Security Income benefits, disability benefits
21 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal
22 employees receiving disability benefits pursuant to 5, U.S.C.,
23 Section 8451 (1998) or legal residents who are one hundred percent
24 (100%) disabled and are receiving disability payments from the

1 Multiple Injury Trust Fund pursuant to Section 173 of Title 85 of
2 the Oklahoma Statutes, may purchase a disability fishing license
3 from the Director for Ten Dollars (\$10.00) for five (5) years.

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

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

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

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

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

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

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

15 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as
16 last amended by Section 15, Chapter 138, O.S.L. 2006 (29 O.S. Supp.
17 2006, Section 4-112), is amended to read as follows:

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

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

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

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

8 2. Legal residents of Oklahoma sixty-four (64) years of age or
9 older provided they have obtained a senior citizen's license

10 pursuant to the provisions of Section 4-133 of this title;

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

12 4. Legal resident veterans having a disability of sixty percent
13 (60%) or more;

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

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

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

22 8. Legal residents having a proven disability which renders
23 them nonambulatory and confines them to a wheelchair, as certified

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1 by a physician licensed in this state or in any state which borders
2 this state;

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

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

11 11. Any legal resident of Oklahoma who serves as a volunteer
12 firefighter in a volunteer fire department, as defined in Section
13 29-202 of Title 11 of the Oklahoma Statutes.

14 C. Except as otherwise provided for in this Code, the fees for
15 licenses listed in this subsection are:

16 1. a. Annual hunting licenses for nonresidents hunting game
17 other than deer, antelope, or elk, One Hundred Thirty-
18 six Dollars (\$136.00); for deer, Two Hundred Dollars
19 (\$200.00); for antelope and elk, Three Hundred Dollars
20 (\$300.00). There shall be no exemptions for deer,
21 antelope, elk, or turkey. Any nonresident hunting in
22 a big game or combination big game and upland game
23 commercial hunting area shall be required to have an
24 annual nonresident hunting license pursuant to this

1 subparagraph, and the fee shall be One Hundred Thirty-
2 six Dollars (\$136.00). For a five-day nonresident
3 hunting license to hunt game other than deer,
4 antelope, elk, turkey, or pheasant, the fee shall be
5 Forty-one Dollars and fifty cents (\$41.50).

6 b. Annual combination hunting licenses for nonresidents
7 hunting one antlered and one antlerless deer, Two
8 Hundred Fifty Dollars (\$250.00); for nonresidents
9 hunting an additional antlerless deer, Fifty Dollars
10 (\$50.00) which shall be valid only on private lands
11 not managed by the Department of Wildlife
12 Conservation.

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

23 2. Disability hunting license, residents of this state for at
24 least six (6) months and who are receiving Social Security

1 Disability benefits, Supplemental Security Income benefits or
2 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
3 Section 231a or residents who are one hundred percent (100%)
4 disabled and are receiving disability payments from the Multiple
5 Injury Trust Fund pursuant to Section 173 of Title 85 of the
6 Oklahoma Statutes, may purchase a disability hunting license from
7 the Director for Ten Dollars (\$10.00) for five (5) years.

8 3. Deer gun hunting license, residents, Nineteen Dollars
9 (\$19.00). There shall be no exemptions except:

10 a. residents sixty-four (64) years of age or older
11 provided such residents have obtained a senior
12 citizen's license pursuant to the provisions of
13 Section 4-133 of this title,

14 b. legal residents of Oklahoma under eighteen (18) years
15 of age provided such residents shall be required to
16 pay a deer gun hunting license fee of Nine Dollars
17 (\$9.00),

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

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1 d. residents hunting in big game or combination big game
2 and upland game commercial hunting areas shall be
3 exempt from the fees specified pursuant to this
4 paragraph.

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

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

23 2. Except as otherwise provided for by this subsection, the
24 fees from licenses purchased pursuant to the provisions of this

1 subsection shall be deposited in the Wildlife Conservation Fund to
2 be used exclusively for developing, managing, preserving, and
3 protecting wildlife and wildlife habitat.

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

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

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

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

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