

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1365 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Samson Buck

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1365

By: Buck

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2001, Section 4214, as amended by Section 3,
10 Chapter 95, O.S.L. 2008 (63 O.S. Supp. 2008, Section
11 4214), which relates to the Oklahoma Boating Safety
12 Regulation Act; requiring operators of vessels to
13 submit to drug and alcohol testing under certain
14 circumstances; requiring certain procedures be used
15 when administering test; providing immunity from
16 prosecution under certain circumstances; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2001, Section 4214, as
20 amended by Section 3, Chapter 95, O.S.L. 2008 (63 O.S. Supp. 2008,
21 Section 4214), is amended to read as follows:

22 Section 4214. A. The operator and/or passenger of a vessel
23 involved in a collision, accident, or other casualty, shall render
24 to other persons involved in the collision, accident, or other
casualty reasonable assistance as may be necessary and practicable
and shall immediately, by the quickest means of communication, give

1 notice of such accident to the local police department if such
2 accident occurs within a municipality, or to the office of the
3 county sheriff or nearest state highway patrol headquarters after
4 complying with the requirements of this section. The operator of a
5 vessel involved in a collision, accident, or other casualty shall
6 give his name, address, and identification of his vessel, in
7 writing, to any person injured in the collision, accident, or other
8 casualty and to the owner of any property damaged in the collision,
9 accident, or other casualty.

10 B. Any operator of a vessel involved in a collision, accident,
11 or other casualty who could be cited for a violation of the Oklahoma
12 Boating Safety Regulation Act where the collision, accident or other
13 casualty resulted in the immediate death or great bodily injury, as
14 defined in subsection B of Section 646 of Title 21 of the Oklahoma
15 Statutes, of any person shall submit to drug and alcohol testing as
16 soon as practicable after such collision, accident or other casualty
17 occurs. The boating violation shall constitute probable cause for
18 purposes of Section 752 of Title 47 of the Oklahoma Statutes and the
19 procedures found in Section 752 of Title 47 of the Oklahoma Statutes
20 shall be followed to determine the presence of alcohol or controlled
21 dangerous substances within the blood system of the operator of the
22 vessel.

23 C. If a collision, accident, or other casualty results in death
24 or injury to a person or damage to property in excess of Two

1 Thousand Dollars (\$2,000.00), the operator of the vessel involved in
2 the collision, accident, or other casualty shall file with the
3 Department of Public Safety a full description of the collision,
4 accident, or other casualty, and such information as the Department
5 may require. No person shall be prosecuted or subjected to any
6 penalty for providing such report to the Department and any
7 statement or information included in such report shall not be
8 received against the person upon any criminal investigation,
9 proceeding or trial.

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

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

24

1 ~~E.~~ F. The person charged with the violation may give his
2 written promise to appear in court by signing the written notice to
3 appear prepared by the officer, in which event the officer shall
4 deliver a copy of the notice to appear to the person, and thereupon
5 the officer shall not take the person into physical custody for the
6 violation.

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

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

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

24

1 ~~I.~~ J. Any employee or officer of an agency of this state, or
2 employee or officer of a municipality or county in this state, shall
3 make a written report to the Department of Public Safety if an
4 occurrence involving a vessel or its equipment results in one or
5 more of the following:

6 1. A person dies;

7 2. A person is injured and requires medical treatment beyond
8 first aid;

9 3. Damage to the vessel and other property totals more than Two
10 Thousand Dollars (\$2,000.00) or there is a complete loss of the
11 vessel;

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

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

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

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

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

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

24

1 10. A fatality or injury occurs to an operator or a crew member
2 while participating in an organized/sanctioned race, or warm-up, in
3 a vessel uniquely designed for racing; or

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

6 SECTION 2. This act shall become effective November 1, 2009.

7

8 52-1-6686 GRS 02/10/09

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24