

THE HOUSE OF REPRESENTATIVES  
Thursday, February 11, 2010

House Bill No. 2314

HOUSE BILL NO. 2314 - By: SMITHSON of the House and BALLENGER of the Senate.

An Act relating to game and fish; amending 29 O.S. 2001, Section 4-110, as last amended by Section 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp. 2009, Section 4-110), which relates to fishing licenses; extending duration of certain nonresident fishing license; and providing an effective date.

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

1 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-110, as last amended by  
2 Section 1, Chapter 123, O.S.L. 2009 (29 O.S. Supp. 2009, Section 4-110), is amended to  
3 read as follows:

4 Section 4-110. A. Except as otherwise provided in the Oklahoma Wildlife  
5 Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner,  
6 use, have in possession, sell, or transport all or any portion of fish without having first  
7 procured a license for such from the Director or from any of the authorized agents of the  
8 Department of Wildlife Conservation. The Wildlife Conservation Commission may  
9 designate two (2) days per year in which residents and nonresidents may fish without  
10 first procuring a fishing license pursuant to the provisions of this section.

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

- 1           1. Legal residents under sixteen (16) years of age and nonresidents under sixteen  
2 (16) years of age from states which do not require nonresident fishing licenses for persons  
3 under sixteen (16) years of age;
- 4           2. Legal residents sixty-four (64) years of age or older and nonresidents sixty-four  
5 (64) years of age or older from states which do not require nonresident fishing licenses for  
6 persons sixty-four (64) years of age or older, provided such resident has obtained a senior  
7 citizen's license pursuant to the provisions of Section 4-133 of this title;
- 8           3. Legal residents born on or before January 1, 1923;
- 9           4. Legal resident veterans having a disability of sixty percent (60%) or more;
- 10          5. Legal resident owners or tenants, their spouses, parents, grandparents, children  
11 and their spouses, grandchildren and their spouses who fish in private ponds on land  
12 owned or leased by them;
- 13          6. Every Oklahoma citizen who is serving in a branch of the United States Armed  
14 Forces, is on properly authorized leave of absence from military duty, has in possession  
15 proper written evidence showing such authorized leave, and is serving outside the State  
16 of Oklahoma at the time of such fishing;
- 17          7. Any patient of an institution of the State of Oklahoma established for the care  
18 and treatment of mental illness or alcohol or drug dependency or any developmentally  
19 disabled person residing in any group home or other institution or developmentally  
20 disabled persons when accompanied by an attendant of such institution or legal guardian  
21 of said patient, or when fishing on institutional property;

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

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

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

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

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

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

20          14. Any person who is fishing with a pole and line, trotline, or throwline in  
21 streams, natural lakes, natural ponds, and mine pits in the county in which the person is  
22 a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part

1 of the boundary line of the county in which the person is a resident, when using any bait  
2 other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

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

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

7 1. For legal residents eighteen (18) years of age and older, Twenty-four Dollars  
8 (\$24.00); for legal residents sixteen (16) or seventeen (17) years of age, Four Dollars  
9 (\$4.00). For a two-day resident permit license, Fourteen Dollars (\$14.00). Of the amount  
10 of monies collected pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of  
11 each license fee shall be deposited in the Oklahoma Wildlife Land Stamp Fund created  
12 pursuant to the provisions of Section 4-141 of this title; and

13 2. For nonresidents, Forty-one Dollars (\$41.00), provided the Commission may  
14 enter into reciprocity agreements with states wherein nonresident license fees shall be in  
15 conformity with such reciprocal agreements. For a ~~five-day~~ six-day nonresident permit  
16 license, Twenty-two Dollars and fifty cents (\$22.50). Of the amount of monies collected  
17 pursuant to the provisions of this paragraph, Five Dollars (\$5.00) of the license fee for  
18 nonresidents, and One Dollar and fifty cents (\$1.50) of the ~~five-day~~ six-day nonresident  
19 permit fee shall be deposited in the Wildlife Land Acquisition Fund created pursuant to  
20 the provisions of Section 4-132 of this title.

21 D. Legal residents who have resided in this state for at least six (6) months and  
22 who are receiving Social Security Disability benefits, Supplemental Security Income

1 benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section  
2 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451  
3 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving  
4 disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title  
5 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director  
6 for Ten Dollars (\$10.00) for five (5) years.

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

- 12 a. for legal residents, Fifty Dollars (\$50.00), and
- 13 b. for nonresidents, Ninety Dollars (\$90.00).

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

12 SECTION 2. This act shall become effective November 1, 2010.

13 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02-10-10 - DO PASS,  
14 As Coauthored.