

ESB 1393

THE HOUSE OF REPRESENTATIVES  
Wednesday, March 24, 2010

ENGROSSED  
Senate Bill No. 1393  
As Amended

ENGROSSED SENATE BILL NO. 1393 - By: SCHULZ of the Senate and RICHARDSON of the House.

[ game and fish - Oklahoma Wildlife Conservation Code - modifying certain fee  
- eliminating certain license -  
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.

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

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

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

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

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

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

15 6. Every Oklahoma citizen who is serving in a branch of the United States Armed  
16 Forces, is on properly authorized leave of absence from military duty, has in possession  
17 proper written evidence showing such authorized leave, and is serving outside the State  
18 of Oklahoma at the time of such fishing;

19 7. Any patient of an institution of the State of Oklahoma established for the care  
20 and treatment of mental illness or alcohol or drug dependency or any developmentally  
21 disabled person residing in any group home or other institution or developmentally

1 disabled persons when accompanied by an attendant of such institution or legal guardian  
2 of said patient, or when fishing on institutional property;

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

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

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

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

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

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

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

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

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

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

16 2. For nonresidents, ~~Forty-one Dollars (\$41.00)~~ Fifty-four Dollars (\$54.00), provided  
17 the Commission may enter into reciprocity agreements with states wherein nonresident  
18 license fees shall be in conformity with such reciprocal agreements. For a five-day  
19 nonresident permit license, ~~Twenty-two Dollars and fifty cents (\$22.50)~~ Thirty-four  
20 Dollars (\$34.00). Of the amount of monies collected pursuant to the provisions of this  
21 paragraph, Five Dollars (\$5.00) of the license fee for nonresidents, and One Dollar and  
22 fifty cents (\$1.50) of the five-day nonresident permit fee shall be deposited in the Wildlife

1 Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title  
2 and Five Dollars (\$5.00) of each license shall be deposited in the Oklahoma Wildlife Land  
3 Stamp Fund created pursuant to provisions of Section 4-141 of this title.

4 D. Legal residents who have resided in this state for at least six (6) months and  
5 who are receiving Social Security Disability benefits, Supplemental Security Income  
6 benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section  
7 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451  
8 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving  
9 disability payments from the Multiple Injury Trust Fund pursuant to Section 173 of Title  
10 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director  
11 for Ten Dollars (\$10.00) for five (5) years.

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

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

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

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

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

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

17 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-120, as last amended by  
18 Section 6, Chapter 287, O.S.L. 2003 (29 O.S. Supp. 2009, Section 4-120), is amended to  
19 read as follows:

20 Section 4-120. A. No person may fish in designated trout waters without having  
21 first procured a valid Oklahoma fishing license from the Director or authorized agents of  
22 the Director.

1 B. The Commission shall decide the open season for trout fishing and which waters  
2 are designated trout waters.

3 ~~C. The fee for a license under this section shall be Nine Dollars (\$9.00); for persons  
4 under eighteen (18) years of age, Four Dollars (\$4.00).~~

5 ~~D. Any person arrested while violating the provisions of this section may purchase  
6 a substitute temporary thirty-day license from the arresting game warden in lieu of  
7 posting bond. The fee for a substitute license purchased pursuant to the provisions of  
8 this subsection shall be:~~

9 ~~1. For legal residents, Thirty-five Dollars (\$35.00); and~~

10 ~~2. For nonresidents, Seventy-five Dollars (\$75.00).~~

11 ~~The fees from licenses purchased pursuant to the provision of this subsection shall  
12 be deposited in the Wildlife Conservation Fund to be used exclusively for developing,  
13 managing, preserving and protecting wildlife and wildlife habitat.~~

14 ~~E. Unless a substitute license is purchased as provided for by subsection D of this  
15 section, any resident of this state convicted of violating this section shall be punished by  
16 a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars  
17 (\$100.00), or by imprisonment in the county jail for a period not more than thirty (30)  
18 days, or by both such fine and imprisonment.~~

19 ~~F. Unless a substitute temporary license is purchased as provided for by subsection  
20 D of this section, any nonresident convicted of violating the provisions of this section  
21 shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00)~~

1 ~~nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for~~  
2 ~~a period not to exceed thirty (30) days, or by both said fine and imprisonment.~~

3 SECTION 3. This act shall become effective January 1, 2011.

4 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 03-23-10 - DO PASS,  
5 As Amended.