

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1365

By: Buck

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5
6 AS INTRODUCED

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

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

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

20 Section 4214. A. The operator and/or passenger of a vessel
21 involved in a collision, accident, or other casualty, shall render
22 to other persons involved in the collision, accident, or other
23 casualty reasonable assistance as may be necessary and practicable
24 and shall immediately, by the quickest means of communication, give
notice of such accident to the local police department if such
accident occurs within a municipality, or to the office of the

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

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

21 C. If a collision, accident, or other casualty results in death
22 or injury to a person or damage to property in excess of Two
23 Thousand Dollars (\$2,000.00), the operator of the vessel involved in
24 the collision, accident, or other casualty shall file with the

1 Department of Public Safety a full description of the collision,
2 accident, or other casualty, and such information as the Department
3 may require.

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

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

18 ~~E.~~ F. The person charged with the violation may give his
19 written promise to appear in court by signing the written notice to
20 appear prepared by the officer, in which event the officer shall
21 deliver a copy of the notice to appear to the person, and thereupon
22 the officer shall not take the person into physical custody for the
23 violation.

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

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

13 ~~H.~~ I. In accordance with any request duly made by an authorized
14 official or agency of the United States, any information compiled or
15 otherwise available to the Department of Public Safety pursuant to
16 this section shall be transmitted to ~~said~~ the official or agency of
17 the United States.

18 ~~I.~~ J. Any employee or officer of an agency of this state, or
19 employee or officer of a municipality or county in this state, shall
20 make a written report to the Department of Public Safety if an
21 occurrence involving a vessel or its equipment results in one or
22 more of the following:

23 1. A person dies;

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

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

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

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

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

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

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

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

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

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

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

52-1-5328 GRS 01/08/09