

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2993

By: Enns

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5
6 AS INTRODUCED

7 An Act relating to game and fish; amending 29 O.S.
8 2001, Section 2-138, as amended by Section 1, Chapter
9 44, O.S.L. 2007 (29 O.S. Supp. 2009, Section 2-138),
10 which relates to the definition of resident for
11 licensing purposes; modifying definition; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 29 O.S. 2001, Section 2-138, as
15 amended by Section 1, Chapter 44, O.S.L. 2007 (29 O.S. Supp. 2009,
16 Section 2-138), is amended to read as follows:

17 Section 2-138. "Resident" is any individual who has an
18 established bona fide or actual residence in Oklahoma for a period
19 of not less than sixty (60) consecutive days immediately preceding
20 the date the application for a license, permit, stamp, or any other
21 issue of the Department is submitted. The burden of establishing
22 proof of residency shall be on the person claiming residency status.
23 A person holding a valid driver license or permit to operate a motor
24 vehicle shall be deemed to be a resident of the state issuing the

1 license or permit. For a valid Oklahoma driver license to be used
2 as the sole source of proof of residency, it shall have been issued
3 not less than sixty (60) days prior to submission of the
4 application. If a person does not hold a valid Oklahoma driver
5 license, the Department may consider other reliable documentation
6 for establishing proof of residency including, but not limited to,
7 property tax receipts, resident income tax returns, voter
8 registration, motor vehicle or vessel registrations, and other
9 public records documenting residence. Residency status of children
10 under eighteen (18) years of age is presumed to be that of the
11 custodial parent or legal guardian unless otherwise documented.
12 Ownership or possession of real property in the state by a person
13 residing outside the state shall not qualify the person as a
14 resident. A person shall not be entitled to claim multiple states
15 of residence, except as follows:

16 1. A person who is not otherwise a resident of the state and is
17 a member of the Armed Forces of the United States and is on active
18 duty and permanently assigned to a military installation located in
19 the state shall be eligible to qualify as a resident if the person
20 presents with the license application a certificate of assignment in
21 the state from a commanding officer or designated representative. A
22 spouse or dependent of the person who is not otherwise a resident of
23 the state, is living within the same household and is similarly
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1 certified by a commanding officer, shall also be eligible to qualify
2 as a resident; and

3 2. The residency of a person shall not terminate upon entering
4 the Armed Forces of the United States. A person on active duty who
5 resided in the state upon entering military service, and any
6 dependents of the person, is presumed to retain residency status in
7 the state as long as the person is on active duty and maintains
8 Oklahoma as their official "state of residence" or "home of record",
9 as shown on current leave and earnings statement or as long as the
10 person is on active duty and a parent or legal guardian of the
11 person was a resident of the state at the time the person entered
12 military service and continues to be a resident at the time the
13 license application is filed by the person.

14 The residency status of any person, including a member of the
15 Armed Forces of the United States, shall terminate if the person
16 obtains any resident hunting, fishing, trapping license or permit or
17 valid driver license issued by another state.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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