

1 STATE OF OKLAHOMA

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

3 SENATE BILL 53

By: Anderson

4
5 AS INTRODUCED

6 An Act relating to hunting and fishing; amending 29
7 O.S. 2001, Sections 4-110, as last amended by Section
8 10, Chapter 16, O.S.L. 2006 and 4-112, as last
9 amended by Section 1, Chapter 35, O.S.L. 2007 (29
10 O.S. Supp. 2008, Sections 4-110 and 4-112), which
11 relate to hunting and fishing licenses; modifying
12 exceptions to license requirement; adding certain
13 license fee; and providing an effective date.

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

15 SECTION 1. AMENDATORY 29 O.S. 2001, Section 4-110, as
16 last amended by Section 10, Chapter 16, O.S.L. 2006 (29 O.S. Supp.
17 2008, Section 4-110), is amended to read as follows:

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

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

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

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

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

14 4. Legal resident veterans having a disability of sixty percent
15 (60%) or more;

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

19 6. ~~Every Oklahoma citizen~~ Any person who is serving in a branch
20 of the United States Armed Forces, is on properly authorized leave
21 of absence from military duty, has in possession proper written
22 evidence showing such authorized leave, and is serving outside the
23 State of Oklahoma at the time of such fishing;

1 7. Any patient of an institution of the State of Oklahoma
2 established for the care and treatment of mental illness or alcohol
3 or drug dependency or any developmentally disabled person residing
4 in any group home or other institution or developmentally disabled
5 persons when accompanied by an attendant of such institution or
6 legal guardian of ~~said~~ the patient, or when fishing on institutional
7 property;

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

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

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

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

23 12. Job Corps trainees of this state, provided that such
24 trainees shall have on their persons a duly authorized

1 identification card issued by their respective Job Corps Center and
2 shall present such card upon request, in lieu of a fishing license.
3 The trainees shall return their cards to their respective Job Corps
4 Center when the trainees leave their respective Job Corps training
5 programs;

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

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

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

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

22 1. For legal residents eighteen (18) years of age and older,
23 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
24

1 seventeen (17) years of age, Four Dollars (\$4.00). For a two-day
2 resident permit license, Nine Dollars (\$9.00); ~~and~~

3 2. For nonresidents, Thirty-six Dollars (\$36.00), provided the
4 Commission may enter into reciprocity agreements with states wherein
5 nonresident license fees shall be in conformity with such reciprocal
6 agreements. For a five-day nonresident permit license, Seventeen
7 Dollars and fifty cents (\$17.50). Of the amount of monies collected
8 pursuant to the provisions of this paragraph, Five Dollars (\$5.00)
9 of the license fee for nonresidents, and One Dollar and fifty cents
10 (\$1.50) of the five-day nonresident permit fee shall be deposited in
11 the Wildlife Land Acquisition Fund created pursuant to the
12 provisions of Section 4-132 of this title; and

13 3. Any person who is serving in a branch of the United States
14 Armed Forces, Five Dollars (\$5.00).

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

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

7 a. for legal residents, Fifty Dollars (\$50.00), and

8 b. for nonresidents, Ninety Dollars (\$90.00).

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

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

21 G. Unless a substitute license is purchased as provided for by
22 subsection E of this section, any nonresident convicted of violating
23 this section shall be punished by a fine of not less than Fifty
24 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by

1 imprisonment in the county jail for a period not more than thirty
2 (30) days, or by both such fine and imprisonment.

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

11 SECTION 2. AMENDATORY 29 O.S. 2001, Section 4-112, as
12 last amended by Section 1, Chapter 35, O.S.L. 2007 (29 O.S. Supp.
13 2008, Section 4-112), is amended to read as follows:

14 Section 4-112. A. Except as otherwise provided for in the
15 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae
16 Act, no person may hunt, pursue, trap, harass, catch, kill, take or
17 attempt to take in any manner, use, have in possession, sell, or
18 transport all or any portion of any wildlife except fish, without
19 having first procured a license from the Department of Wildlife
20 Conservation. The Wildlife Conservation Commission shall designate
21 a consecutive Saturday and Sunday in September of each year as free
22 hunting days in which residents of this state may hunt without first
23 procuring a hunting license pursuant to the provisions of this
24 section.

- 1 B. Pursuant to the provisions of this Code, persons excepted
2 from the license requirement of this section are:
- 3 1. Legal residents of Oklahoma under sixteen (16) years of age;
 - 4 2. Legal residents of Oklahoma sixty-four (64) years of age or
5 older provided they have obtained a senior citizen's license
6 pursuant to the provisions of Section 4-133 of this title;
 - 7 3. Legal residents born on or before January 1, 1923;
 - 8 4. Legal resident veterans having a disability of sixty percent
9 (60%) or more;
 - 10 5. Legal resident owners or tenants who hunt on land owned or
11 leased by them;
 - 12 6. ~~Every citizen of Oklahoma~~ Any person serving in a branch of
13 the United States Armed Forces on properly authorized leave from
14 military duty having in his or her possession proper written
15 evidence showing such authorized leave and serving outside the State
16 of Oklahoma at the time of the hunting;
 - 17 7. Any nonresident under fourteen (14) years of age;
 - 18 8. Legal residents having a proven disability which renders
19 them nonambulatory and confines them to a wheelchair, as certified
20 by a physician licensed in this state or in any state which borders
21 this state;
 - 22 9. Any person under eighteen (18) years of age who is in the
23 physical custody of a child care facility as defined by Section 402
24 of Title 10 of the Oklahoma Statutes; and

1 10. Any person hunting, pursuing, trapping, harassing,
2 catching, killing, taking, or attempting to take in any manner any
3 species of rattlesnake during an organized rattlesnake-hunting event
4 or festival and who has a rattlesnake permit issued pursuant to
5 Section 4-143 of this title.

6 C. Except as otherwise provided for in this Code, the fees for
7 licenses listed in this subsection are:

- 8 1. a. Annual hunting licenses for nonresidents hunting game
9 other than deer, antelope, or elk, One Hundred Thirty-
10 six Dollars (\$136.00); for deer, Two Hundred Dollars
11 (\$200.00); for antelope and elk, Three Hundred Dollars
12 (\$300.00). There shall be no exemptions for deer,
13 antelope, elk, or turkey. Any nonresident hunting in
14 a big game or combination big game and upland game
15 commercial hunting area shall be required to have an
16 annual nonresident hunting license pursuant to this
17 subparagraph, and the fee shall be One Hundred Thirty-
18 six Dollars (\$136.00). For a five-day nonresident
19 hunting license to hunt game other than deer,
20 antelope, elk, turkey, or pheasant, the fee shall be
21 Forty-one Dollars and fifty cents (\$41.50).
- 22 b. Annual combination hunting licenses for nonresidents
23 hunting one antlered and one antlerless deer, Two
24 Hundred Fifty Dollars (\$250.00); for nonresidents

1 hunting an additional antlerless deer, Fifty Dollars
2 (\$50.00) which shall be valid only on private lands
3 not managed by the Department of Wildlife
4 Conservation.

5 c. Of the amount of monies collected pursuant to the
6 provisions of this paragraph, Five Dollars (\$5.00) of
7 the license fee for hunting game other than deer,
8 antelope and elk, Five Dollars (\$5.00) of the license
9 fee for hunting deer, Five Dollars (\$5.00) of the
10 license fee for hunting antelope and elk and Two
11 Dollars and fifty cents (\$2.50) of the five-day
12 hunting license shall be deposited in the Wildlife
13 Land Acquisition Fund created pursuant to the
14 provisions of Section 4-132 of this title.

15 2. Disability hunting license, residents of this state for at
16 least six (6) months and who are receiving Social Security
17 Disability benefits, Supplemental Security Income benefits or
18 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,
19 Section 231a or residents who are one hundred percent (100%)
20 disabled and are receiving disability payments from the Multiple
21 Injury Trust Fund pursuant to Section 173 of Title 85 of the
22 Oklahoma Statutes, may purchase a disability hunting license from
23 the Director of the Department of Wildlife Conservation for Ten
24 Dollars (\$10.00) for five (5) years.

1 3. Deer gun hunting license, residents, Nineteen Dollars
2 (\$19.00). There shall be no exemptions except:

3 a. residents sixty-four (64) years of age or older
4 provided such residents have obtained a senior
5 citizen's license pursuant to the provisions of
6 Section 4-133 of this title,

7 b. legal residents of Oklahoma under eighteen (18) years
8 of age provided such residents shall be required to
9 pay a deer gun hunting license fee of Nine Dollars
10 (\$9.00),

11 c. residents with proper certification from the United
12 States Department of Veterans Affairs or its
13 successor, certifying that the person is a disabled
14 veteran in receipt of compensation at the one-hundred-
15 percent rate shall be exempt from the fees specified
16 pursuant to this paragraph, and

17 d. residents hunting in big game or combination big game
18 and upland game commercial hunting areas shall be
19 exempt from the fees specified pursuant to this
20 paragraph.

21 4. Deer archery hunting license, residents, Nineteen Dollars
22 (\$19.00) and for legal residents of Oklahoma under eighteen (18)
23 years of age, Nine Dollars (\$9.00). There shall be no exemptions
24 except residents with proper certification from the United States

1 Department of Veterans Affairs or its successor, certifying that the
2 person is a disabled veteran in receipt of compensation at the one-
3 hundred-percent rate and residents hunting in big game or
4 combination big game and upland game commercial hunting areas shall
5 be exempt from the fees specified pursuant to this paragraph.

6 5. Primitive firearms license, residents, Nineteen Dollars
7 (\$19.00) and for legal residents of Oklahoma under eighteen (18)
8 years of age, Nine Dollars (\$9.00). There shall be no exemptions
9 except residents with proper certification from the United States
10 Department of Veterans Affairs or its successor, certifying that the
11 person is a disabled veteran in receipt of compensation at the one-
12 hundred-percent rate and residents hunting in big game or
13 combination big game and upland game commercial hunting areas shall
14 be exempt from the fees specified pursuant to this paragraph.

15 6. Elk or antelope hunting license, residents, Fifty Dollars
16 (\$50.00). There shall be no exemptions except residents hunting in
17 big game or combination big game and upland game commercial hunting
18 areas shall be exempt from the fees specified pursuant to this
19 paragraph.

20 7. Bonus, special or second deer gun hunting license,
21 residents, Nineteen Dollars (\$19.00). No exemptions except:

22 a. residents sixty-five (65) years of age or older
23 provided such residents have obtained a senior
24

1 citizen's license pursuant to the provisions of
2 Section 4-133 of this title,

3 b. persons with proper certification from the United
4 States Department of Veterans Affairs or its
5 successor, certifying that the person is a disabled
6 veteran in receipt of compensation at the one-hundred-
7 percent rate shall be exempt from the fees specified
8 pursuant to this paragraph, and

9 c. residents hunting in big game or combination big game
10 and upland game commercial hunting areas shall be
11 exempt from the fees specified pursuant to this
12 paragraph.

13 D. The fees for hunting licenses, except as provided for in the
14 Oklahoma Wildlife Conservation Code, are:

15 1. For legal residents eighteen (18) years of age and older,
16 Nineteen Dollars (\$19.00); for legal residents sixteen (16) or
17 seventeen (17) years of age, Four Dollars (\$4.00); ~~and~~

18 2. Commercial hunting area small game ten-day permit, resident
19 or nonresident, Five Dollars (\$5.00); and

20 3. Any person who is serving in a branch of the United States
21 Armed Forces, Five Dollars (\$5.00).

22 E. The provisions of this section shall not be construed to
23 require a hunting license, resident or nonresident, of any person
24 merely because the person participates, as owner or handler of an

1 entry, as an official, or as a spectator in the conduct of a field
2 trial or performance test of dogs, whether a resident or nonresident
3 of the State of Oklahoma. No license to hunt shall be required of
4 any person engaged in training or working dogs, provided that person
5 is in no way engaged in hunting and does not take or attempt to take
6 in any manner any game.

7 F. 1. Any person arrested for hunting game other than deer,
8 antelope, elk, or turkey without a valid hunting license as required
9 by the provisions of subsection A of this section may purchase a
10 substitute temporary thirty-day license from the arresting game
11 warden in lieu of posting bond. Proof of hunter safety
12 certification will not be required for the temporary substitute
13 license. The fee for a substitute license purchased pursuant to the
14 provisions of this subsection shall be:

- 15 a. for legal residents, Fifty Dollars (\$50.00), and
- 16 b. for nonresidents, One Hundred Forty-five Dollars
17 (\$145.00).

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

23 G. Any person producing proof in court that a current hunting
24 license issued by the Department of Wildlife Conservation to that

1 person was in force at the time of the alleged offense shall be
2 entitled to dismissal of a charge of violating this section upon
3 payment of court costs; however, if proof of hunting license is
4 presented to the court or district attorney within seventy-two (72)
5 hours after the violation, the charge shall be dismissed without
6 payment of court costs.

7 H. Unless a substitute license is purchased as provided for by
8 subsection F of this section, any resident convicted of violating
9 the provisions of this section shall be punished by the imposition
10 of a fine of not less than Twenty-five Dollars (\$25.00) nor more
11 than Two Hundred Dollars (\$200.00), or by imprisonment in the county
12 jail for a period not to exceed thirty (30) days, or by both.

13 I. Unless a substitute license is purchased as provided for by
14 subsection F of this section, any nonresident convicted of violating
15 the provisions of this section shall be punished by the imposition
16 of a fine of not less than Two Hundred Dollars (\$200.00) nor more
17 than Five Hundred Dollars (\$500.00), or by imprisonment in the
18 county jail for a period not to exceed six (6) months, or by both.

19 SECTION 3. This act shall become effective November 1, 2009.
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