

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 705

By: Barrington

4
5
6 AS INTRODUCED

7 An Act relating to personal recognizance; amending 3
8 O.S. 2001, Section 271, which relates to possession
9 of airman's and medical certificate; modifying
10 certain citation procedure; amending 22 O.S. 2001,
11 Sections 1108, 1115.1, as amended by Section 3,
12 Chapter 204, O.S.L. 2006, 1115.2, as amended by
13 Section 4, Chapter 204, O.S.L. 2006 and 1115.5, as
14 last amended by Section 3, Chapter 84, O.S.L. 2009
15 (22 O.S. Supp. 2010, Sections 1115.1, 1115.2 and
16 1115.5), which relate to forfeiture of bail, release
17 on personal recognizance, posting bail, and
18 suspension of driving privilege; modifying certain
19 arraignment requirements; removing requirement for
20 release on personal recognizance under specified
21 circumstances; modifying certain duties of arresting
22 officer; modifying certain notification; modifying
23 actions constituting refusal of release on personal
24 recognizance; deleting statutory reference; amending
47 O.S. 2001, Section 16-112, which relates to
failure to obey notice to appear; modifying certain
personal recognizance procedures; amending 63 O.S.
2001, Section 4214, as last amended by Section 1,
Chapter 41, O.S.L. 2009 (63 O.S. Supp. 2010, Section
4214), which relates to collision, accident or other
casualty; modifying certain personal recognizance
procedures; repealing Sections 1 and 2, Chapter 84,
O.S.L. 2009 (22 O.S. Supp. 2010, Sections 1115.1A and
1115.2B), which relate to release on personal
recognizance for traffic violation and posting bail
after release on personal recognizance for traffic
violation; providing an effective date; and declaring
an emergency.

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

2 SECTION 1. AMENDATORY 3 O.S. 2001, Section 271, is
3 amended to read as follows:

4 Section 271. The required airman's certificate and medical
5 certificate as applicable shall be kept in the personal possession
6 of the certificate holder when he is operating aircraft within this
7 state and shall be presented for inspection upon the demand of any
8 peace officer of this state or any federal law enforcement officer.
9 Any person arrested for a violation of this section shall be
10 released by the arresting officer upon personal recognizance ~~if the~~
11 ~~arrested person signs a written promise to appear~~ as provided for on
12 the citation issued by the arresting officer. The arresting officer
13 shall record the arraignment date and time on the citation. Any
14 person convicted of violating this section shall be guilty of a
15 misdemeanor; provided however, no person charged with violating this
16 section shall be convicted of the charge if he or she produces in
17 court or the office of the arresting officer the required
18 certificates issued to that person and valid at the time of arrest.

19 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1108, is
20 amended to read as follows:

21 Section 1108. If the defendant neglects to appear according to
22 the terms or conditions of the recognizance, bond or undertaking,
23 either for hearing, arraignment, trial or judgment, or upon any
24 other occasion when his presence in court or before the magistrate

1 may be lawfully required, or to surrender himself in execution of
2 the judgment, the court must direct the fact to be entered upon its
3 minutes, and the recognizance, bond or undertaking of bail, or the
4 money deposited instead of bail, as the case may be, is and shall be
5 thereupon declared forfeited and forfeiture proceedings shall then
6 proceed as prescribed in Section 1332 of Title 59 of the Oklahoma
7 Statutes. If money deposited instead of bail be so forfeited, the
8 clerk of the court or other officer with whom it is deposited, must,
9 immediately after the final adjournment of the court, pay over the
10 money deposited to the county treasurer.

11 Provided however, if a person charged with a traffic offense
12 neglects to appear for arraignment ~~after signing a written promise~~
13 ~~to appear~~ as provided for by the State and Municipal Traffic Bail
14 Bond Procedure Act, ~~Section 1115 et seq. of this title~~ and no other
15 form of bail has been substituted therefor, then said recognizance
16 shall not be forfeited as provided in this section and the court
17 shall proceed in accordance with the provisions of ~~Section 1115 et~~
18 ~~seq. of this title~~ the State and Municipal Traffic Bail Bond
19 Procedure Act.

20 SECTION 3. AMENDATORY 22 O.S. 2001, Section 1115.1, as
21 amended by Section 3, Chapter 204, O.S.L. 2006 (22 O.S. Supp. 2010,
22 Section 1115.1), is amended to read as follows:

23 Section 1115.1 A. In addition to other provisions of law for
24 posting bail, any person, whether a resident of this state or a

1 nonresident, who is arrested by a law enforcement officer solely for
2 a misdemeanor violation of a state traffic law or municipal traffic
3 ordinance, shall be released by the arresting officer upon personal
4 recognizance if:

5 1. The arrested person has been issued a valid license to
6 operate a motor vehicle by this state, another state jurisdiction
7 within the United States, which is a participant in the Nonresident
8 Violator Compact or any party jurisdiction of the Nonresident
9 Violator Compact;

10 2. The arresting officer is satisfied as to the identity of the
11 arrested person; and

12 ~~3. The arrested person signs a written promise to appear as~~
13 ~~provided for on the citation, unless the person is unconscious or~~
14 ~~injured and requires immediate medical treatment as determined by a~~
15 ~~treating physician; and~~

16 ~~4.~~ The violation does not constitute:

17 a. a felony, ~~or~~

18 b. negligent homicide, ~~or~~

19 c. driving or being in actual physical control of a motor
20 vehicle while impaired or under the influence of
21 alcohol or other intoxicating substances, unless the
22 person is unconscious or injured and requires
23 immediate medical treatment as determined by a
24 treating physician, ~~or~~

1 d. eluding or attempting to elude a law enforcement
2 officer, ~~or~~

3 e. operating a motor vehicle without having been issued a
4 valid driver license, or while the driving privilege
5 and driver license is under suspension, revocation,
6 denial or cancellation, ~~or~~

7 f. an arrest based upon an outstanding warrant, or

8 g. a traffic violation coupled with any offense stated in
9 subparagraphs a through f of this paragraph.

10 B. If the arrested person is eligible for release on personal
11 recognizance as provided for in subsection A of this section, then
12 the arresting officer shall:

13 1. Designate the traffic charge;

14 2. Record information from the arrested person's driver license
15 on the citation form, including the name, address, date of birth,
16 personal description, type of driver license, driver license number,
17 issuing state, and expiration date;

18 3. Record the motor vehicle make, model and tag information;

19 and

20 4. Record the date and time on the citation on which, or before
21 which, the arrested person promises to contact, pay, or appear at
22 the court, as applicable to the court; ~~and~~

1 5. ~~Permit the arrested person to sign a written promise to~~
2 ~~contact, pay, or appear at the court, as provided for in the~~
3 ~~citation.~~

4 The arresting officer shall then release the person upon personal
5 recognizance ~~based upon the signed promise to appear~~ upon the person
6 accepting receipt of the citation from the officer. The citation
7 shall contain a written notice to the arrested person that
8 acceptance of the citation constitutes a promise to appear, that
9 release upon personal recognizance ~~based upon a signed written~~
10 ~~promise to appear for arraignment~~ is conditional and that failure to
11 timely appear for arraignment shall result in the suspension of the
12 arrested person's driving privilege and driver license in this
13 state, or in the nonresident's home state pursuant to the
14 Nonresident Violator Compact.

15 C. The court, or the court clerk as directed by the court, may
16 continue or reschedule the date and time of arraignment upon request
17 of the arrested person or the attorney for that person. If the
18 arraignment is continued or rescheduled, the arrested person shall
19 remain on personal recognizance and written promise to appear until
20 such arraignment, in the same manner and with the same consequences
21 as if the continued or rescheduled arraignment was entered on the
22 citation by the arresting officer and signed by the defendant. An
23 arraignment may be continued or rescheduled more than one time.
24 Provided, however, the court shall require an arraignment to be had

1 within a reasonable time. It shall remain the duty of the defendant
2 to appear for arraignment unless the citation is satisfied as
3 provided for in subsection D of this section.

4 D. A defendant released upon personal recognizance may elect to
5 enter a plea of guilty or nolo contendere to the violation charged
6 at any time before the defendant is required to appear for
7 arraignment by indicating such plea on the copy of the citation
8 furnished to the defendant or on a legible copy thereof, together
9 with the date of the plea and signature. The defendant shall be
10 responsible for assuring full payment of the fine and costs to the
11 appropriate court clerk. Payment of the fine and costs may be made
12 by personal, cashier's, traveler's, certified or guaranteed bank
13 check, postal or commercial money order, or other form of payment
14 approved by the court in an amount prescribed as bail for the
15 offense. Provided, however, the defendant shall not use currency
16 for payment by mail. If the defendant has entered a plea of guilty
17 or nolo contendere as provided for in this subsection, such plea
18 shall be accepted by the court and the amount of the fine and costs
19 shall be:

20 1. As prescribed in Section 1115.3 of this title as bail for
21 the violation; or

22 2. In case of a municipal violation, as prescribed by municipal
23 ordinance for the violation charged; or

1 3. In the absence of such law or ordinance, then as prescribed
2 by the court.

3 E. 1. If, pursuant to the provisions of subsection D of this
4 section, the defendant does not timely elect to enter a plea of
5 guilty or nolo contendere and fails to timely appear for
6 arraignment, the court may issue a warrant for the arrest of the
7 defendant and the municipal or district court clerk, within one
8 hundred twenty (120) calendar days from the date the citation was
9 issued by the arresting officer, shall notify the Department of
10 Public Safety that:

- 11 a. the defendant was issued a traffic citation and
12 released upon personal recognizance ~~after signing a~~
13 ~~written promise to appear for arraignment~~ as provided
14 for in the citation,
- 15 b. the defendant has failed to appear for arraignment
16 without good cause shown,
- 17 c. the defendant has not posted bail, paid a fine, or
18 made any other arrangement with the court to satisfy
19 the citation, and
- 20 d. the citation has not been satisfied as provided by
21 law.

22 Additionally, the court clerk shall request the Department of Public
23 Safety to either suspend the defendant's driving privilege and
24 driver license to operate a motor vehicle in this state, or notify

1 the defendant's home state and request suspension of the defendant's
2 driving privilege and driver license in accordance with the
3 provisions of the Nonresident Violator Compact. Such notice and
4 request shall be on a form approved or furnished by the Department
5 of Public Safety.

6 2. The court clerk shall not process the notification and
7 request provided for in paragraph 1 of this subsection if, with
8 respect to such charges:

- 9 a. the defendant was arraigned, posted bail, paid a fine,
10 was jailed, or otherwise settled the case, ~~or~~
- 11 b. the defendant was not released upon personal
12 recognizance ~~upon a signed written promise to appear~~
13 as provided for in this section or if released, was
14 not permitted to remain on such personal recognizance
15 for arraignment, ~~or~~
- 16 c. the violation relates to parking or standing, or
- 17 d. a period of one hundred twenty (120) calendar days or
18 more has elapsed from the date the citation was issued
19 by the arresting officer.

20 F. Following receipt of the notice and request from the court
21 clerk for driving privilege and driver license suspension as
22 provided for in subsection E of this section, the Department of
23 Public Safety shall proceed as provided for in Section 1115.5 of
24 this title.

1 G. The municipal or district court clerk shall maintain a
2 record of each request for driving privilege and driver license
3 suspension submitted to the Department of Public Safety pursuant to
4 the provisions of this section. When the court or court clerk
5 receives appropriate bail or payment of the fine and costs, settles
6 the citation, makes other arrangements with the defendant, or
7 otherwise closes the case, the court clerk shall furnish proof
8 thereof to such defendant, if the defendant personally appears, or
9 shall mail such proof by first class mail, postage prepaid, to the
10 defendant at the address noted on the citation or at such other
11 address as is furnished by the defendant. Additionally, the court
12 or court clerk shall notify the home jurisdiction of the defendant
13 as listed on the citation, if such jurisdiction is a member of the
14 Nonresident Violator Compact, and shall, in all other cases, notify
15 the Department, of the resolution of the case. The form of proof
16 and the procedures for notification shall be approved by the
17 Department of Public Safety. Provided, however, the court or court
18 clerk's failure to furnish such proof or notice in the manner
19 provided for in this subsection shall in no event create any civil
20 liability upon the court, the court clerk, the State of Oklahoma or
21 any political subdivision thereof, or any state department or agency
22 or any employee thereof but duplicate proof shall be furnished to
23 the person entitled thereto upon request.

24

1 SECTION 4. AMENDATORY 22 O.S. 2001, Section 1115.2, as
2 amended by Section 4, Chapter 204, O.S.L. 2006 (22 O.S. Supp. 2010,
3 Section 1115.2), is amended to read as follows:

4 Section 1115.2 A. If a person arrested for a traffic violation
5 is released upon personal recognizance as provided for in Section
6 1115.1 of this title, but subsequently posts bail and thereafter
7 fails to timely appear as provided for by law, the court may issue a
8 warrant for the person's arrest and the case shall be processed as
9 follows:

10 1. If for a state traffic violation, as provided for in Section
11 1108 of this title; ~~or~~

12 2. If for a violation filed in a municipal court not of record,
13 as provided for in Section 27-118 of Title 11 of the Oklahoma
14 Statutes; or

15 3. If for a violation filed in a municipal court of record, as
16 provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

17 B. If the defendant is not eligible for release upon personal
18 recognizance as provided for in Section 1115.1 of this title, or if
19 eligible but refuses to ~~sign a written promise to appear~~ accept the
20 citation from the officer, the officer shall deliver the person to
21 an appropriate magistrate for arraignment and the magistrate shall
22 proceed as otherwise provided for by law. If no magistrate is
23 available, the defendant shall be placed in the custody of the
24 appropriate municipal or county jailor or custodian, to be held

1 until a magistrate is available or bail is posted as provided for in
2 Section 1115.3 of this title or as otherwise provided for by law or
3 ordinance.

4 C. 1. Notwithstanding any other provision of law, a juvenile
5 may be held in custody pursuant to the provisions of this section,
6 but shall be incarcerated separately from any adult offender.

7 Provided however, the arresting officer shall not be required to:

8 a. place a juvenile into custody as provided for in this
9 section, or

10 b. place any other traffic offender into custody:

11 (1) who is injured, disabled, or otherwise
12 incapacitated, ~~or~~

13 (2) if custodial arrest may require impoundment of a
14 vehicle containing livestock, perishable cargo,
15 or items requiring special maintenance or care,
16 or

17 (3) if extraordinary circumstances exist, which, in
18 the judgment of the arresting officer, custodial
19 arrest should not be made.

20 In such cases, the arresting officer may designate the date and time
21 on the citation by which, or on which, the person shall appear or
22 contact the court, as applicable to the court, and release the
23 person. If the person fails to appear without good cause shown, the
24 court may issue a warrant for the person's arrest.

- 1 2. The provisions of this subsection shall not be construed to:
- 2 a. create any duty on the part of the officer to release
- 3 a person from custody, ~~or~~
- 4 b. create any duty on the part of the officer to make any
- 5 inquiry or investigation relating to any condition
- 6 which may justify release under this subsection, or
- 7 c. create any liability upon any officer, or the state or
- 8 any political subdivision thereof, arising from the
- 9 decision to release or not to release such person from
- 10 custody pursuant to the provisions of this subsection.

11 SECTION 5. AMENDATORY 22 O.S. 2001, Section 1115.5, as

12 last amended by Section 3, Chapter 84, O.S.L. 2009 (22 O.S. Supp.

13 2010, Section 1115.5), is amended to read as follows:

14 Section 1115.5 A. 1. Following receipt of notification and a

15 request for driving privilege suspension from a municipal or

16 district court clerk as provided for in Section 1115.1 of this title

17 ~~or Section 1 of this act~~, the Department of Public Safety shall:

- 18 a. suspend the privilege of the person to operate a motor
- 19 vehicle in this state; or
- 20 b. request suspension of the driving privilege of the
- 21 person in the state which issued the license as
- 22 provided by the Nonresident Violator Compact.

23 A person whose license is subject to suspension pursuant to this

24 section may avoid the effective date of the suspension or, if

1 suspended, shall be eligible for reinstatement, if otherwise
2 eligible, upon meeting the requirements of subsection C of this
3 section.

4 2. The Department of Public Safety may decline to initiate such
5 suspension action if the request is discovered to be improper or
6 questionable.

7 3. The Department shall not be required to issue more than one
8 suspension of the driving privilege of a person in the event
9 multiple requests for suspensions are received from a court clerk
10 based upon the failure of the person to appear at a particular time
11 and date on multiple charges.

12 B. Following receipt of a request from another jurisdiction for
13 the suspension of the driving privilege of an Oklahoma resident as
14 provided by the Nonresident Violator Compact, the Department of
15 Public Safety, if the request appears to be valid, shall initiate
16 suspension of the privilege of the person to operate a motor vehicle
17 in this state. If suspended, such suspension shall remain in effect
18 until the person meets the requirements of subsection C of this
19 section.

20 C. 1. A person whose license is subject to suspension in this
21 state pursuant to the provisions of this section may avoid the
22 effective date of suspension, or if suspended in this state, shall
23 be eligible for reinstatement, if otherwise eligible, upon:
24

- 1 a. making application therefore to the Department of
2 Public Safety, and
- 3 b. showing proof from the court or court clerk that the
4 person has entered an appearance in the case which was
5 the basis for the suspension action and was released
6 by the court as provided for by the Nonresident
7 Violator Compact or consistent provisions, and
- 8 c. submitting with the application the fees, as provided
9 for in Section 6-212 of Title 47 of the Oklahoma
10 Statutes. The fees shall be remitted to the State
11 Treasurer to be credited to the General Revenue Fund
12 of the State Treasury;

13 2. Upon reinstatement, the Department of Public Safety may
14 remove any record of the suspension and reinstatement as provided
15 for in this section from the file of the individual licensee and
16 maintain an internal record of the suspension and reinstatement for
17 fiscal and other purposes.

18 D. Any person whose driving privilege is suspended or subject
19 to suspension in this state pursuant to the provisions of this
20 section, at any time, may informally present specific reasons or
21 documentation to the Department of Public Safety to show that such
22 suspension may be unwarranted. The Department of Public Safety may
23 stay the suspension or suspension action pending receipt of further
24 information or documentation from the person or from the

1 jurisdiction requesting such suspension, or pending review of the
2 record, or other inquiry. If the Department of Public Safety
3 determines the suspension is unwarranted, the suspension action
4 shall be withdrawn or vacated without the requirement of a
5 processing fee and a reinstatement fee and the Department of Public
6 Safety shall accordingly notify the jurisdiction which requested the
7 suspension. If, however, the request for suspension appears valid,
8 the Department of Public Safety shall proceed with suspension of the
9 driving privilege of the person and the person shall have the right
10 to appeal as provided for by Section 6-211 of Title 47 of the
11 Oklahoma Statutes. Provided, however, the court shall not consider
12 modification, but shall either sustain or vacate the order of
13 suspension of the Department of Public Safety based upon the records
14 on file with the Department of Public Safety, the law and other
15 relevant evidence.

16 SECTION 6. AMENDATORY 47 O.S. 2001, Section 16-112, is
17 amended to read as follows:

18 Section 16-112. ~~(a)~~ A. It shall be unlawful for any person to
19 violate his ~~written~~ or her promise to appear ~~given to an officer as~~
20 a provision of release of the person upon personal recognizance, as
21 provided in Section 1115.1 of Title 22 of the Oklahoma Statutes,
22 upon the issuance of a notice to appear regardless of the
23 disposition of the charge for which ~~such~~ the notice to appear was
24 originally issued.

1 ~~(b)~~ B. A ~~written~~ promise to appear in court may be complied
2 with by an appearance by counsel.

3 SECTION 7. AMENDATORY 63 O.S. 2001, Section 4214, as
4 last amended by Section 1, Chapter 41, O.S.L. 2009 (63 O.S. Supp.
5 2010, Section 4214), is amended to read as follows:

6 Section 4214. A. The operator and/or passenger of a vessel
7 involved in a collision, accident, or other casualty, shall render
8 to other persons involved in the collision, accident, or other
9 casualty reasonable assistance as may be necessary and practicable
10 and shall immediately, by the quickest means of communication, give
11 notice of such accident to the local police department if such
12 accident occurs within a municipality, or to the office of the
13 county sheriff or nearest state highway patrol headquarters after
14 complying with the requirements of this section. The operator of a
15 vessel involved in a collision, accident, or other casualty shall
16 give his name, address, and identification of his vessel, in
17 writing, to any person injured in the collision, accident, or other
18 casualty and to the owner of any property damaged in the collision,
19 accident, or other casualty.

20 B. Any operator of a vessel involved in a collision, accident,
21 or other casualty who could be cited for a violation of the Oklahoma
22 Boating Safety Regulation Act where the collision, accident or other
23 casualty resulted in the immediate death or great bodily injury, as
24 defined in subsection B of Section 646 of Title 21 of the Oklahoma

1 Statutes, of any person shall submit to drug and alcohol testing as
2 soon as practicable after such collision, accident or other casualty
3 occurs. The boating violation shall constitute probable cause for
4 purposes of Section 752 of Title 47 of the Oklahoma Statutes and the
5 procedures found in Section 752 of Title 47 of the Oklahoma Statutes
6 shall be followed to determine the presence of alcohol or controlled
7 dangerous substances within the blood system of the operator of the
8 vessel.

9 C. If a collision, accident, or other casualty results in death
10 or injury to a person or damage to property in excess of Two
11 Thousand Dollars (\$2,000.00), the operator of the vessel involved in
12 the collision, accident, or other casualty shall file with the
13 Department of Public Safety a full description of the collision,
14 accident, or other casualty, and such information as the Department
15 may require. No person shall be prosecuted or subjected to any
16 penalty for providing such report to the Department and any
17 statement or information included in such report shall not be
18 received against the person upon any criminal investigation,
19 proceeding or trial.

20 D. Whenever a person is halted by any duly authorized peace
21 officer of this state for any violation of Chapters 70, 71 or 72 of
22 this title, which shall be punishable as a misdemeanor, and is not
23 taken before a magistrate as hereinbefore required or permitted, the
24 officer shall prepare in quadruplicate using the "Oklahoma Uniform

1 Violations Complaint", a written notice to appear in court, such
2 notices to appear to be serially numbered, containing the name and
3 address of the person, the state registration number of the vessel,
4 if any, the offense charged, the time and place when and where the
5 person shall appear in court, and such other pertinent information
6 as may be necessary.

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

10 F. The person charged with the violation may ~~give his written~~
11 ~~promise to appear in court by signing the written notice to appear~~
12 ~~prepared by the officer~~ be released on personal recognizance as
13 provided in Section 1115.1 of Title 22 of the Oklahoma Statutes, in
14 which event the officer shall deliver a copy of the notice to appear
15 in court to the person, and thereupon the officer shall not take the
16 person into physical custody for the violation.

17 G. If the person charged with the violation is a minor, then
18 the citing officer shall ascertain from the minor the name and
19 address of the parents or legal guardian of the minor, and the
20 officer shall cause a copy of the "violation" to be mailed to the
21 address of the parents or legal guardian, within three (3) calendar
22 days after the date of violation.

23 H. Except for felony violations, any duly authorized peace
24 officer of this state at the scene of a boating accident may issue a

1 written notice to appear to the operator of a vessel involved in the
2 accident when, based upon personal investigation, the officer has
3 reasonable and probable grounds to believe that the person has
4 committed any offense in connection with the accident.

5 I. In accordance with any request duly made by an authorized
6 official or agency of the United States, any information compiled or
7 otherwise available to the Department of Public Safety pursuant to
8 this section shall be transmitted to the official or agency of the
9 United States.

10 J. Any employee or officer of an agency of this state, or
11 employee or officer of a municipality or county in this state, shall
12 make a written report to the Department of Public Safety if an
13 occurrence involving a vessel or its equipment results in one or
14 more of the following:

15 1. A person dies;

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

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

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

23

24

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

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

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

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

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

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

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

16 SECTION 8. REPEALER Sections 1 and 2, Chapter 84, O.S.L.
17 2009 (22 O.S. Supp. 2010, Sections 1115.1A and 1115.2B), are hereby
18 repealed.

19 SECTION 9. This act shall become effective July 1, 2011.

20 SECTION 10. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
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23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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