

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3074

By: Worthen

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending
9 63 O.S. 2011, Sections 4002, as amended by Section 1,
10 Chapter 323, O.S.L. 2012 and 4005 (63 O.S. Supp.
11 2017, Section 4002), which relate to the Oklahoma
12 Vessel and Motor Registration Act; amending and
13 adding certain definitions; updating statutory
14 references; exempting canoes, kayaks and paddleboats
15 from title and registration requirements; providing
16 an exception; allowing owners of exempt vessels to
17 title and register vessels for certain purposes;
18 requiring payment of title and registration fees; and
19 providing an effective date.

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

21 SECTION 1. AMENDATORY 63 O.S. 2011, Section 4002, as
22 amended by Section 1, Chapter 323, O.S.L. 2012 (63 O.S. Supp. 2017,
23 Section 4002), is amended to read as follows:

24 Section 4002. As used in the Oklahoma Vessel and Motor
Registration Act:

1. "Boat livery" means a business establishment engaged in
renting or hiring out vessels for profit;

1 2. "Canoe" means a light narrow ~~boat~~ vessel with both ends
2 typically tapered to a sharp ~~and~~ point which is propelled solely by
3 ~~paddling and includes similar craft such as kayaks~~ its occupants,
4 using a single-bladed paddle as a lever without the aid of a fulcrum
5 provided by oarlocks, thole pins, crutches or similar arrangements;

6 3. "Certificate of documentation" means a document issued by
7 the United States Coast Guard which is legal proof of ownership of a
8 vessel;

9 4. "Certificate of registration" means a document which is
10 legal proof of registration of a vessel or motor;

11 5. "Certificate of title" means a document which is proof of
12 legal ownership of a vessel and/or motor;

13 6. "Commission" means:

14 a. the Oklahoma Tax Commission, or

15 b. the equivalent vessel registration and licensing
16 agency of a federally recognized Indian tribe in this
17 state;

18 7. "Dealer" means any person engaged in the business of
19 selling, trading, renting with option to purchase, or attempting to
20 negotiate or negotiating sales or exchanges of interests in new or
21 used vessels or motors, or new and used vessels or motors, or any
22 combination thereof;

23 8. "Dealer agreement" means the agreement, authorization or
24 written contract between a manufacturer and distributor and a new

1 vessel dealer which purports to establish the legal rights and
2 obligations of the parties to the agreement, authorization or
3 written contract with regard to the purchase and sale of new vessels
4 or new motors;

5 9. "Designated successor" means one or more persons nominated
6 by the new vessel dealer, in a written document filed by the dealer
7 with the manufacturer or distributor at the time the dealer
8 agreement is executed, to succeed the dealer in the event of the
9 dealer's death or incapacity. If a designated successor is not able
10 to succeed the new vessel dealer because of the designated
11 successor's death or legal incapacity, the dealer shall execute a
12 new document nominating a designated successor within sixty (60)
13 calendar days after the date of the death or incapacity;

14 10. "Distributor" means a person, resident or nonresident, who
15 in whole or in part offers for sale, sells, or distributes a new
16 vessel or new motor to a new vessel dealer or who maintains a
17 factory representative, resident or nonresident, or who controls a
18 person, resident or nonresident, who in whole or in part offers for
19 sale, sells, or distributes a new vessel or new motor to a new
20 vessel dealer;

21 11. "Distributor branch" means a branch office similarly
22 maintained by a distributor or wholesaler for the same purposes a
23 factory branch is maintained;

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1 12. "Distributor representative" means any person, firm,
2 association, corporation or trust and each officer and employee
3 thereof engaged as a representative of a distributor or distributor
4 branch of vessels or motors, for the purpose of making or promoting
5 the sale of his or her, its or their vessels or motors, or for
6 supervising or contacting his, its or their dealers or prospective
7 dealers;

8 13. "Documented vessel" means any vessel in this state which
9 shall have and carry on board the original certificate of
10 documentation in legible form as issued by the United States Coast
11 Guard or federal agency successor thereto. All documented vessels
12 shall be required to display a current State of Oklahoma annual
13 registration decal;

14 14. "Factory branch" means a branch office maintained by a
15 person, firm, association, corporation or trust who manufactures or
16 assembles vessels or motors for the sale of vessels or motors to
17 distributors, or for the sale of vessels or motors to dealers, or
18 for directing or supervising, in whole or in part, its
19 representatives;

20 15. "Factory representative" means any person, firm,
21 association, corporation or trust and each officer and employee
22 thereof engaged as a representative of a manufacturer of vessels or
23 motors or by a factory branch, for the purpose of making or
24 promoting the sale of his, her, its or their vessels or motors, or

1 for supervising or contacting his, its or their dealers or
2 prospective dealers;

3 16. "Hull identification number" means the serial number
4 affixed to the outside of the hull of a vessel on the upper
5 starboard side (right) corner of the transom (back wall) which is
6 assigned by the manufacturer or the Commission;

7 17. "Inboard motor" means an internal combustion engine mounted
8 inside a vessel which provides the transfer of power to move a
9 vessel through the water;

10 18. "Inboard/outboard motor" means an internal combustion
11 engine mounted inside a vessel and an external stern drive attached
12 through the transom of the vessel providing the transfer of power to
13 move the vessel through the water;

14 19. "John boat" means a narrow, flat bottomed square-ended ~~boat~~
15 vessel propelled by a pole, paddle or a motor less than ten (10)
16 horsepower;

17 20. "Kayak" means a light narrow vessel with both ends
18 typically tapered to a sharp point and propelled by double-bladed
19 paddles as a lever without the aid of a fulcrum provided by oarlock,
20 thole pins, crutches, or similar arrangements by one or more
21 individuals seated inside or on top of the vessel and facing the
22 direction of travel;

23 21. "Kiteboard" means a vessel, similar in appearance to a
24 surfboard, with or without foot straps or bindings, combined with a

1 large controllable kite to propel the rider and board across the
2 water;

3 22. "Lifeboat" means a vessel carried on another vessel in
4 excess of sixty-five (65) feet for use if such other vessel has to
5 be abandoned;

6 ~~21.~~ 23. "Manufacturer" means a person who manufactures or
7 assembles new vessels or new motors, or a distributor, factory
8 branch, or factory representative;

9 ~~22.~~ 24. "Motor" means any internal combustion engine mounted at
10 the stern of a vessel or placed inside a vessel which provides the
11 transfer of power to move the vessel through the water;

12 ~~23.~~ 25. "New vessel dealer" means a person who holds a dealer
13 agreement granted by a manufacturer or distributor for the sale of
14 the manufacturer's or distributor's vessels or motors, who is
15 engaged in the business of purchasing, selling, exchanging, or
16 dealing in new vessels or new motors, and who has an established
17 place of business;

18 24. 26. "Operate" means to navigate or be in actual physical
19 control of a vessel or otherwise use a vessel or motor;

20 ~~25.~~ 27. "Outboard motor" means an internal combustion engine
21 capable of being externally mounted at the stern of a vessel which
22 provides the transfer of power to move a vessel through the water;

23 ~~26.~~ 28. "Owner" means a person, other than a lienholder, having
24 a property interest in or title to a vessel or motor. The term

1 includes a person entitled to the use or possession of a vessel or
2 motor subject to an interest in another person, reserved or created
3 by agreement and securing payment or performance of an obligation,
4 but the term excludes a lessee under a lease not intended as
5 security;

6 ~~27.~~ 29. "Paddleboard" means a vessel similar in appearance to a
7 surfboard intended to be propelled only by its occupants, using a
8 single- or double-bladed paddle as a lever without the aid of a
9 fulcrum provided by oarlocks, thole pins, crutches or similar
10 arrangements;

11 30. "Paddleboat" means a ~~boat~~ vessel less than eight (8) feet
12 in length designed to be propelled solely by human power through a
13 belt, chain or gears;

14 ~~28.~~ 31. "Permanent number" means the distinctive and unique
15 number which:

16 a. the Commission permanently assigns to a vessel,
17 irrespective of any change of ownership of said
18 vessel. The permanent number shall begin with the
19 letters "OK", followed by four numerals, and then
20 followed by two letters, or

21 b. any federally recognized Indian tribe in this state
22 assigns to a vessel;

23 provided, the number is configured as prescribed in 33 C.F.R., Parts
24 173 and 174;

1 ~~29.~~ 32. "Person" means a natural person, partnership,
2 corporation, association, trust, estate or other legal entity;

3 ~~30.~~ 33. "Proposed new vessel dealer" means a person who has an
4 application pending for a new dealer agreement with a manufacturer
5 or distributor. Proposed new vessel dealer does not include a
6 person whose dealer agreement is being renewed or continued;

7 ~~31.~~ 34. "Purchase date" means the purchase date on a bill of
8 sale or the date of complete assignment of title by the current
9 owner;

10 ~~32.~~ 35. "Sailboard" means a vessel, similar in appearance to a
11 surfboard, equipped with a swivel mounted mast and sail not secured
12 to a hull by guys or stays;

13 36. "State" means the State of Oklahoma;

14 ~~33.~~ 37. "State of principal use" means the state where the
15 vessel or motor is used, is to be used, or remains for any period in
16 excess of sixty (60) calendar days;

17 ~~34.~~ 38. "Vessel" means every device, other than a ~~canoe,~~
18 ~~paddleboat or~~ seaplane on the water, used or capable of being used
19 as a means of transportation on water, ~~including but not limited to~~
20 ~~personal watercraft; and~~

21 ~~35.~~ 39. "Waters of this state" means and includes all waters
22 within the territorial limits of this state; provided, such phrase
23 shall not mean or include waters which are entirely owned by a
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1 private person or persons, and to which the public is not permitted
2 access; and

3 40. "Water-thrust device" means a device tethered to the water
4 jet mechanism of a vessel in a manner so that the water jet of the
5 powering vessel provides propulsion for the attached device. Such
6 devices shall be considered a component of the powering vessel.

7 SECTION 2. AMENDATORY 63 O.S. 2011, Section 4005, is
8 amended to read as follows:

9 Section 4005. A. A vessel or motor shall not be required to be
10 titled and registered pursuant to the provisions of the Oklahoma
11 Vessel and Motor Registration Act, ~~Section 4002 et seq. of this~~
12 ~~title,~~ if:

13 1. Such vessel or motor is owned by the United States, a state
14 other than the State of Oklahoma, any agency thereof, or any
15 subdivision of the state; provided, however, if such vessel is used
16 for recreational or rental purposes on the waters of this state,
17 said vessel shall be registered and numbered in accordance with
18 Section 4002 et seq. of this title;

19 2. Such vessel or motor is owned by a visiting nonresident and
20 is currently registered in another state. Provided that if any such
21 vessel or motor remains in Oklahoma in excess of sixty (60) calendar
22 days, such vessel or motor shall be registered pursuant to the
23 provisions of the Oklahoma Vessel and Motor Registration Act and the
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1 registration fees due thereon from the date of entry into Oklahoma
2 must be paid;

3 3. Such vessel or motor is from a country other than the United
4 States provided such vessel or motor does not remain in Oklahoma in
5 excess of sixty (60) calendar days;

6 4. Such vessel is used exclusively and solely as a lifeboat;

7 5. Such vessel is used exclusively and solely for racing
8 purposes;

9 6. Such vessel is a commercial flotation device which is issued
10 a ~~permit~~ license by the ~~Oklahoma Scenic River Commission~~ Grand River
11 Dam Authority pursuant to the provisions of ~~Section 1461 et seq. of~~
12 ~~Title 82 of the Oklahoma Statutes~~ the Scenic Rivers Act; provided, a
13 commercial flotation device shall be required to be titled pursuant
14 to the provisions of Section 4008 of this title; ~~or~~

15 7. Such vessel is a documented vessel provided such documented
16 vessel shall be required to be registered pursuant to the provisions
17 of Section 4016 of this title; or

18 8. Such vessel is a canoe, kayak or paddleboat as defined in
19 Section 4002 of this title except that such vessels, when powered by
20 any means other than human power, shall be titled and registered
21 pursuant to the provisions of the Oklahoma Vessel and Motor
22 Registration Act.

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1 B. Motors classified as inboard motors shall not be required to
2 be titled or registered pursuant to the provisions of the Oklahoma
3 Vessel and Motor Registration Act.

4 C. All vessels and motors which are owned by the State of
5 Oklahoma, its agencies or departments, or political subdivisions
6 thereof, or which, under the law, would be exempt from direct ad
7 valorem taxation, shall be titled and registered pursuant to the
8 provisions of the Oklahoma Vessel and Motor Registration Act.

9 Provided, all vessels and motors titled and registered to the
10 Department of Public Safety shall be exempt from all registration
11 fees.

12 D. All other vessels shall be titled and registered pursuant to
13 the provisions of the Oklahoma Vessel and Motor Registration Act.

14 E. At the request of the owner, any vessel exempt from the
15 title and registration provisions of this section shall be titled
16 and registered pursuant to the provisions of the Oklahoma Vessel and
17 Motor Registration Act for the purposes of proof of ownership or
18 vessel identification. All title and registration fees shall be
19 paid by the owner of the vessel.

20 SECTION 3. This act shall become effective November 1, 2018.

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