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March 27, 2018

ENGROSSED HOUSE
BILL NO. 2917

By: Coody of the House

and

Boggs of the Senate

An Act relating to game and fish; amending 29 O.S. 2011, Section 2-138, as amended by Section 1, Chapter 353, O.S.L. 2017 (29 O.S. Supp. 2017, Section 2-138), which relates to definition of resident; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2011, Section 2-138, as amended by Section 1, Chapter 353, O.S.L. 2017 (29 O.S. Supp. 2017, Section 2-138), is amended to read as follows:

Section 2-138. "Resident" is any individual who has an established bona fide or actual residence in Oklahoma for a period of not less than sixty (60) consecutive days immediately preceding the date the application for a license, permit, stamp, or any other issue of the Department is submitted. The burden of establishing proof of residency shall be on the person claiming residency status. A person holding a valid driver license or permit to operate a motor 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, including a custodial parent when there is a joint
12 custody order and the physical custody of the child is shared by
13 both parents, or legal guardian unless otherwise documented.
14 Ownership or possession of real property in the state by a person
15 residing outside the state shall not qualify the person as a
16 resident. A person shall not be entitled to claim multiple states
17 of residence, except as follows:

18 1. A person who is not otherwise a resident of the state and is
19 a member of the Armed Forces of the United States and is on active
20 duty and permanently assigned to a military installation located in
21 the state shall be eligible to qualify as a resident if the person
22 presents with the license application a certificate of assignment in
23 the state from a commanding officer or designated representative. A
24 spouse or dependent of the person who is not otherwise a resident of

1 the state, is living within the same household and is similarly
2 certified by a commanding officer, shall also be eligible to qualify
3 as a resident;

4 2. The residency of a person shall not terminate upon entering
5 the Armed Forces of the United States. A member of the Armed Forces
6 of the United States on active duty, and any dependents of the
7 member, is presumed to retain residency status in the state for
8 purposes of purchasing any annual license issued by the Department
9 of Wildlife Conservation as long as the member is on active duty as
10 verified by valid military documentation; and

11 3. The residency status of any person, excluding a member of
12 the Armed Forces of the United States while on active duty as
13 verified by valid military documentation and any dependents of the
14 member, shall terminate if the person obtains any resident hunting,
15 fishing, trapping license or permit or valid driver license issued
16 by another state.

17 SECTION 2. This act shall become effective November 1, 2018.

18 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND WILDLIFE
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