

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2883

6 By: Tadlock

7 COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.
9 2011, Section 4-110, as last amended by Section 2,
10 Chapter 229, O.S.L. 2017 (29 O.S. Supp. 2019, Section
11 4-110), which relates to fishing licenses; expanding
12 exemption for annual fishing license; limiting
13 exemption; and providing an effective date.

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

15 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-110, as
16 last amended by Section 2, Chapter 229, O.S.L. 2017 (29 O.S. Supp.
17 2019, 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

1 residents and nonresidents may fish without first procuring a
2 fishing license pursuant to the provisions of this section.

3 B. The following legal residents of Oklahoma shall be exempt
4 from the annual fishing license requirements of subsection C of this
5 section and the following nonresidents shall be exempt from the
6 annual nonresident fishing licenses required pursuant to subsection
7 E of this section:

8 1. Legal residents under sixteen (16) years of age and
9 nonresidents under sixteen (16) years of age from states which do
10 not require nonresident fishing licenses for persons under sixteen
11 (16) years of age;

12 2. Legal residents sixty-five (65) years of age or older and
13 nonresidents sixty-five (65) years of age or older from states which
14 do not require nonresident fishing licenses for persons sixty-five
15 (65) years of age or older, provided a legal resident has obtained a
16 senior citizen lifetime fishing or combination hunting and fishing
17 license pursuant to the provisions of Section 4-114 of this title;

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

19 4. Legal resident veterans having a disability of sixty percent
20 (60%) or more and registered with the veterans registry created by
21 the Oklahoma Department of Veterans Affairs; provided, that if the
22 veteran has previously received an exemption pursuant to this
23 paragraph, no registration with the veterans registry shall be
24 required. The Oklahoma Wildlife Conservation Commission shall

1 promulgate any rules necessary to implement the provisions of this
2 paragraph;

3 5. Legal resident owners or tenants, their spouses, parents,
4 grandparents, children and their spouses, grandchildren and their
5 spouses who fish in private ponds on land owned or leased by ~~them~~
6 the legal resident owner or tenant; provided that the exemption
7 provided in this paragraph shall not apply to commercial fishing;

8 6. Any person entering the property with permission of the
9 landowner or tenant who fishes in a private pond on land owned or
10 leased by the legal resident owner or tenant; provided that the
11 exemption provided in this paragraph shall not apply to commercial
12 fishing activities or any private pond that was, at any time, built,
13 created, stocked or supported by any state or federal public funds;

14 ~~6.~~ 7. Any legal resident or nonresident who is a patient of an
15 institution of the State of Oklahoma established for the care and
16 treatment of mental illness or alcohol or drug dependency or any
17 developmentally disabled person residing in any group home or other
18 institution or developmentally disabled persons when accompanied by
19 an attendant of the institution or legal guardian of the patient, or
20 when fishing on institutional property;

21 ~~7.~~ 8. Any legal resident or nonresident under eighteen (18)
22 years of age who is in the legal and physical custody of the State
23 of Oklahoma or one of its agencies by court order;

24

1 ~~8.~~ 9. Any legal resident or nonresident under eighteen (18)
2 years of age who is in the physical custody of a child care facility
3 as defined by Section 402 of Title 10 of the Oklahoma Statutes;

4 ~~9.~~ 10. Any legal resident or nonresident who is legally blind
5 or who has any other physical impairment, as certified by a
6 physician licensed in this state or any state which borders this
7 state, which prevents the person from properly using fishing
8 apparatus without the assistance of another person, and any one
9 person actually accompanying and actually assisting such legally
10 blind or otherwise physically impaired person while the latter is
11 fishing. This certification shall be carried by the individual
12 while fishing;

13 ~~10.~~ 11. Nonresidents under fourteen (14) years of age;

14 ~~11.~~ 12. Any legal resident or nonresident who is a Job Corps
15 trainee of this state, provided that the trainees shall have on
16 their persons a duly authorized identification card issued by their
17 respective Job Corps Center and shall present the card upon request,
18 in lieu of a fishing license. The trainees shall return their cards
19 to their respective Job Corps Center when the trainees leave their
20 respective Job Corps training programs;

21 ~~12.~~ 13. Any legal resident having a proven disability which
22 renders the resident nonambulatory and confined to a wheelchair as
23 certified by a physician licensed in this state or any state which
24 borders this state;

1 ~~13.~~ 14. Any legal resident who is fishing with a pole and line,
2 trotline, or throwline in streams, natural lakes, natural ponds, and
3 mine pits in the county in which the person is a resident, or in
4 streams, natural lakes, natural ponds, and mine pits which form a
5 part of the boundary line of the county in which the person is a
6 resident, when using any bait other than commercial or artificial
7 bait, blood, stink bait, cut fish, and shrimp; and

8 ~~14.~~ 15. Any legal resident or nonresident participating in an
9 aquatic education event or clinic sanctioned by the Department of
10 Wildlife Conservation.

11 C. Except as otherwise provided for in the Oklahoma Wildlife
12 Conservation Code, the resident fishing licenses issued pursuant to
13 the provisions of this section and the fee for each shall be:

14 1. Annual fishing license for legal residents eighteen (18)
15 years of age and older - Twenty-four Dollars (\$24.00);

16 2. Annual fishing license for legal residents sixteen (16) or
17 seventeen (17) years of age - Four Dollars (\$4.00); and

18 3. Two-day fishing license for legal residents - Fourteen
19 Dollars (\$14.00).

20 D. Of the fees collected pursuant to the provisions of
21 paragraphs 1 and 3 of subsection C of this section, Five Dollars
22 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
23 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
24 created pursuant to the provisions of Section 4-141 of this title.

1 E. Except as otherwise provided for in the Oklahoma Wildlife
2 Conservation Code, the nonresident fishing licenses issued pursuant
3 to the provisions of this section and the fee for each shall be:

4 1. Annual fishing license for nonresidents - Fifty-four Dollars
5 (\$54.00), provided the Commission may enter into reciprocity
6 agreements with states wherein nonresident license fees shall be in
7 conformity with such reciprocal agreements;

8 2. Six-day fishing license for nonresidents - Thirty-four
9 Dollars (\$34.00); and

10 3. One-day fishing license for nonresidents - Fourteen Dollars
11 (\$14.00).

12 F. Of the fees collected pursuant to the provisions of
13 paragraphs 1, 2 and 3 of subsection E of this section, Five Dollars
14 (\$5.00) of the annual license fee for nonresidents, One Dollar and
15 fifty cents (\$1.50) of the six-day fishing license for nonresidents
16 fee and One Dollar and fifty cents (\$1.50) of the one-day fishing
17 license for nonresidents fee shall be deposited in the Wildlife Land
18 Acquisition Fund created pursuant to the provisions of Section 4-132
19 of this title. Of the fees collected pursuant to the provisions of
20 paragraphs 1, 2 and 3 of subsection E of this section, Five Dollars
21 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
22 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
23 created pursuant to the provisions of Section 4-141 of this title.

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1 G. Legal residents who have resided in this state for at least
2 six (6) months and who are receiving Social Security Disability
3 benefits, Supplemental Security Income benefits, disability benefits
4 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal
5 employees receiving disability benefits pursuant to 5 U.S.C.,
6 Section 8451 (1998) or legal residents who are one hundred percent
7 (100%) disabled and are receiving disability payments from the
8 Multiple Injury Trust Fund pursuant to Section 403 of Title 85 of
9 the Oklahoma Statutes, may purchase a disability fishing license
10 from the Director for Ten Dollars (\$10.00) for five (5) years.

11 H. 1. Any person arrested while violating the provisions of
12 this section who does not meet the requirements of subsection K of
13 this section, may purchase a substitute temporary thirty-day license
14 from the arresting game warden in lieu of posting bond. The fee for
15 a substitute license purchased pursuant to the provisions of this
16 subsection shall be:

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

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

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

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1 I. Unless a substitute license is purchased as provided for by
2 subsection H of this section, any resident of this state convicted
3 of violating the provisions of this section shall be punished by the
4 imposition of a fine of not less than Twenty-five Dollars (\$25.00)
5 nor more than Two Hundred Dollars (\$200.00) or by imprisonment in
6 the county jail for a period not to exceed thirty (30) days, or by
7 both said fine and imprisonment.

8 J. Unless a substitute license is purchased as provided for by
9 subsection H of this section, any nonresident convicted of violating
10 this section shall be punished by a fine of not less than Fifty
11 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or by
12 imprisonment in the county jail for a period not more than thirty
13 (30) days, or by both such fine and imprisonment.

14 K. Any person producing proof in court that a current fishing
15 license issued by the Department of Wildlife Conservation to that
16 person was in force at the time of the alleged offense shall be
17 entitled to dismissal of a charge of violating this section upon
18 payment of court costs. If proof of a current fishing license
19 issued by the Department to the person that was in force at the time
20 of the alleged offense is presented to the court or district
21 attorney within seventy-two (72) hours after the violation, the
22 charge shall be dismissed without payment of court costs.

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1 SECTION 2. This act shall become effective November 1, 2020.

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