

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   HOUSE BILL 1156

                              By: Worthen of the House

5   and

6   **Leewright** of the Senate

7  
8   AS INTRODUCED

9  
10           An Act relating to public health and safety; amending  
11           63 O.S. 2011, Sections 4002, as amended by Section 1,  
12           Chapter 323, O.S.L. 2012, and 4005 (63 O.S. Supp.  
13           2018, Section 4002), which relate to the Oklahoma  
14           Vessel and Motor Registration Act; modifying  
15           definitions; updating statutory references; exempting  
16           canoes, kayaks and paddleboats from title and  
17           registration requirements; providing an exception;  
18           allowing owners of exempt vessels to title and  
19           register vessels for certain purposes; requiring  
20           payment of title and registration fees; and providing  
21           an effective date.

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

23           SECTION 1.        AMENDATORY        63 O.S. 2011, Section 4002, as  
24           amended by Section 1, Chapter 323, O.S.L. 2012 (63 O.S. Supp. 2018,  
25           Section 4002), is amended to read as follows:

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

28           1.   "Boat livery" means a business establishment engaged in  
29           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;

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 of 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  
20 oarlocks, thole pins, crutches or similar arrangements by one or  
21 more individuals seated inside or on top of the vessel and facing  
22 the 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  
24



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  
24

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  
20 by 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.

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, 2019.  
21

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
23 02/28/2019 - DO PASS, As Coauthored.  
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