

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2883

By: Tadlock and **Roberts**
(Dustin)

7
8
9 COMMITTEE SUBSTITUTE

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

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

17 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-110, as
18 last amended by Section 2, Chapter 229, O.S.L. 2017 (29 O.S. Supp.
19 2019, Section 4-110), is amended to read as follows:

20 Section 4-110. A. Except as otherwise provided in the Oklahoma
21 Wildlife Conservation Code, no person shall fish, pursue, harass,
22 catch, kill, take in any manner, use, have in possession, sell, or
23 transport all or any portion of fish without having first procured a
24 license for such from the Director or from any of the authorized

1 agents of the Department of Wildlife Conservation. The Wildlife
2 Conservation Commission may designate two (2) days per year in which
3 residents and nonresidents may fish without first procuring a
4 fishing license pursuant to the provisions of this section.

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

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

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

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

21 4. Legal resident veterans having a disability of sixty percent
22 (60%) or more and registered with the veterans registry created by
23 the Oklahoma Department of Veterans Affairs; provided, that if the
24 veteran has previously received an exemption pursuant to this

1 paragraph, no registration with the veterans registry shall be
2 required. The Oklahoma Wildlife Conservation Commission shall
3 promulgate any rules necessary to implement the provisions of this
4 paragraph;

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

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

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

1 ~~7.~~ 8. Any legal resident or nonresident under eighteen (18)
2 years of age who is in the legal and physical custody of the State
3 of Oklahoma or one of its agencies by court order;

4 ~~8.~~ 9. Any legal resident or nonresident under eighteen (18)
5 years of age who is in the physical custody of a child care facility
6 as defined by Section 402 of Title 10 of the Oklahoma Statutes;

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

16 ~~10.~~ 11. Nonresidents under fourteen (14) years of age;

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

1 ~~12.~~ 13. Any legal resident having a proven disability which
2 renders the resident nonambulatory and confined to a wheelchair as
3 certified by a physician licensed in this state or any state which
4 borders this state;

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

12 ~~14.~~ 15. Any legal resident or nonresident participating in an
13 aquatic education event or clinic sanctioned by the Department of
14 Wildlife Conservation.

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

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

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

22 3. Two-day fishing license for legal residents - Fourteen
23 Dollars (\$14.00).
24

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

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

9 1. Annual fishing license for nonresidents - Fifty-four Dollars
10 (\$54.00), provided the Commission may enter into reciprocity
11 agreements with states wherein nonresident license fees shall be in
12 conformity with such reciprocal agreements;

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

15 3. One-day fishing license for nonresidents - Fourteen Dollars
16 (\$14.00).

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

1 paragraphs 1, 2 and 3 of subsection E of this section, Five Dollars
2 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
3 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
4 created pursuant to the provisions of Section 4-141 of this title.

5 G. Legal residents who have resided in this state for at least
6 six (6) months and who are receiving Social Security Disability
7 benefits, Supplemental Security Income benefits, disability benefits
8 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal
9 employees receiving disability benefits pursuant to 5 U.S.C.,
10 Section 8451 (1998) or legal residents who are one hundred percent
11 (100%) disabled and are receiving disability payments from the
12 Multiple Injury Trust Fund pursuant to Section 403 of Title 85 of
13 the Oklahoma Statutes, may purchase a disability fishing license
14 from the Director for Ten Dollars (\$10.00) for five (5) years.

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

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

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

23 2. Except as otherwise provided by this subsection, the fees
24 from licenses purchased pursuant to the provisions of this

1 subsection shall be deposited in the Wildlife Conservation Fund to
2 be used exclusively for developing, managing, preserving, and
3 protecting wildlife and wildlife habitat.

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

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

17 K. Any person producing proof in court that a current fishing
18 license issued by the Department of Wildlife Conservation to that
19 person was in force at the time of the alleged offense shall be
20 entitled to dismissal of a charge of violating this section upon
21 payment of court costs. If proof of a current fishing license
22 issued by the Department to the person that was in force at the time
23 of the alleged offense is presented to the court or district
24

1 attorney within seventy-two (72) hours after the violation, the
2 charge shall be dismissed without payment of court costs.

3 SECTION 2. This act shall become effective November 1, 2020.
4

5 COMMITTEE REPORT BY: COMMITTEE ON WILDLIFE, dated 02/12/2020 - DO
6 PASS, As Amended and Coauthored.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24