

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2883

By: Tadlock

AS INTRODUCED

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

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

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

Section 4-110. A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall fish, pursue, harass, catch, kill, take in any manner, use, have in possession, sell, or transport all or any portion of fish without having first procured a license for such from the Director or from any of the authorized agents of the Department of Wildlife Conservation. The Wildlife 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, and any person entering the property with permission of the
6 landowner or tenant who fish in private ponds on land owned or
7 leased by ~~them~~ the legal resident owner or tenant; provided that the
8 exemption provided in this paragraph shall not apply to commercial
9 fishing;

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

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

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

23 9. Any legal resident or nonresident who is legally blind or
24 who has any other physical impairment, as certified by a physician

1 licensed in this state or any state which borders this state, which
2 prevents the person from properly using fishing apparatus without
3 the assistance of another person, and any one person actually
4 accompanying and actually assisting such legally blind or otherwise
5 physically impaired person while the latter is fishing. This
6 certification shall be carried by the individual while fishing;

7 10. Nonresidents under fourteen (14) years of age;

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

15 12. Any legal resident having a proven disability which renders
16 the resident nonambulatory and confined to a wheelchair as certified
17 by a physician licensed in this state or any state which borders
18 this state;

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

3 14. Any legal resident or nonresident participating in an
4 aquatic education event or clinic sanctioned by the Department of
5 Wildlife Conservation.

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

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

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

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

15 D. Of the fees collected pursuant to the provisions of
16 paragraphs 1 and 3 of subsection C of this section, Five Dollars
17 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
18 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
19 created pursuant to the provisions of Section 4-141 of this title.

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

23 1. Annual fishing license for nonresidents - Fifty-four Dollars
24 (\$54.00), provided the Commission may enter into reciprocity

1 agreements with states wherein nonresident license fees shall be in
2 conformity with such reciprocal agreements;

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

5 3. One-day fishing license for nonresidents - Fourteen Dollars
6 (\$14.00).

7 F. Of the fees collected pursuant to the provisions of
8 paragraphs 1, 2 and 3 of subsection E of this section, Five Dollars
9 (\$5.00) of the annual license fee for nonresidents, One Dollar and
10 fifty cents (\$1.50) of the six-day fishing license for nonresidents
11 fee and One Dollar and fifty cents (\$1.50) of the one-day fishing
12 license for nonresidents fee shall be deposited in the Wildlife Land
13 Acquisition Fund created pursuant to the provisions of Section 4-132
14 of this title. Of the fees collected pursuant to the provisions of
15 paragraphs 1, 2 and 3 of subsection E of this section, Five Dollars
16 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land
17 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund
18 created pursuant to the provisions of Section 4-141 of this title.

19 G. Legal residents who have resided in this state for at least
20 six (6) months and who are receiving Social Security Disability
21 benefits, Supplemental Security Income benefits, disability benefits
22 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal
23 employees receiving disability benefits pursuant to 5 U.S.C.,
24 Section 8451 (1998) or legal residents who are one hundred percent

(100%) disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 403 of Title 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director for Ten Dollars (\$10.00) for five (5) years.

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

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

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

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

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

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

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

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

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