

1 **SENATE FLOOR VERSION**

2 February 22, 2024

3 SENATE BILL NO. 1644

By: Rogers of the Senate

4 and

5 Dempsey of the House

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7
8 An Act relating to boating safety; amending 63 O.S.
9 2021, Section 4201, which relates to definitions;
10 defining certain term; amending 63 O.S. 2021, Section
11 4212, which relates to towing persons; requiring
12 certain flag under certain circumstance; updating
13 statutory language; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 4201, is
16 amended to read as follows:

17 Section 4201. In addition to the terms defined by the Oklahoma
18 Vessel and Motor Registration Act, for the purposes of the Oklahoma
19 Boating Safety Regulation Act:

20 1. "Buoy" means an anchored marker for marking a position on
21 the water, or a hazard, shoal or mooring, or any other prohibitive
22 activity area;

23 2. "Capacity plate" means a sign posted in view of the
24 operator's station on a vessel which designates the maximum weight
capacity and horsepower restrictions of a vessel for safe operation;

1 3. "Diver's flag" means a red flag not less than twenty (20)
2 inches by twenty-four (24) inches with a four-inch white stripe
3 running from one upper corner to a diagonal lower corner, and such
4 flag is used to indicate a submerged diver;

5 4. "Emergency vessel" means any law enforcement vessel which is
6 legally authorized to operate in the emergency mode;

7 5. "Law enforcement vessel" means any vessel legally authorized
8 to operate under the color of law;

9 6. "Lienholder" means a person holding a security interest in a
10 vessel, as shown on the vessel title;

11 7. "Manipulate" means to guide, steer or otherwise control;

12 8. "Marine sewage" means any substance, treated or untreated,
13 that contains any of the waste products of humans or animals or
14 foodstuffs;

15 9. "Marine toilet" means any latrine, head, lavatory or toilet
16 intended to receive marine sewage and which is located on or in any
17 vessel;

18 10. "Operator" means the person who operates, has actual
19 physical control, or has charge of the navigation or use of a
20 vessel;

21 11. "Parasail" means any device which, when airborne, is used
22 or capable of being used for lifting or suspending a person who is
23 being or will be towed by a vessel;

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1 12. "Passenger" means any person riding in or upon any vessel
2 or being towed for recreation on water skis, an inner tube,
3 kneeboard, parasail or any similar device;

4 13. "Personal flotation device" means only a United States
5 Coast Guard approved flotation device;

6 14. "Personal watercraft" means a vessel which uses an inboard
7 motor powering a water jet pump as its primary source of motive
8 power and which is designed to be operated by a person sitting,
9 standing or kneeling on the vessel, rather than the conventional
10 manner of sitting or standing inside the vessel, or a vessel which
11 is similar in appearance and operation to a personal watercraft but
12 which is powered by an outboard or propeller driven motor, or a
13 vessel less than sixteen (16) feet in length which travels across
14 the water above or on a cushion of air provided by engines,
15 propellers or other means of propulsion;

16 15. "Sanctioned event" means any organized event on the waters
17 of this state, including but not limited to regattas, motorboat or
18 other boat races, marine parades, tournaments and exhibitions, which
19 is approved and permitted by an authorizing agency;

20 16. "Under way" means the movement of a vessel whether by
21 mechanical or nonmechanical means which is other than incidental to
22 the force of wind, waves or current; ~~and~~

23 17. "Wake" means the track of waves left by a vessel or other
24 object moving through the water, and such waves are greater than the

1 natural waves in the immediate area of the vessel, or are cresting
2 and showing white water, or may cause injury or damage to any person
3 or property; and

4 18. "Wide-angle rearview mirror" means a mirror, no less than
5 four (4) inches in size from bottom to top and across from side to
6 side, mounted firmly to give the vessel operator a full and complete
7 view beyond the rear of the vessel at all times.

8 SECTION 2. AMENDATORY 63 O.S. 2021, Section 4212, is
9 amended to read as follows:

10 Section 4212. A. 1. No person shall operate or give
11 permission to operate a vessel on any waters of this state for
12 towing a person or persons using parasails or on water skis, a
13 surfboard, or similar device unless there is in such vessel:

14 a. a person who is at least eight (8) years old, and who,
15 in addition to the operator, is in a position to
16 observe the progress of the person or persons being
17 towed,

18 b. if the vessel is not a personal watercraft, an
19 efficient ~~wide-angle~~ wide-angle convex ~~rear view~~
20 rearview mirror installed on such vessel in such
21 manner as to permit the person operating ~~said~~ such
22 vessel to face the direction of travel and be in a
23 position to observe the progress of the person or
24 persons being towed, or

1 c. if the vessel is a personal watercraft, two efficient
2 ~~wide-angle~~ wide-angle convex ~~rear view~~ rearview
3 mirrors installed on such vessel in such manner as to
4 permit the person operating such watercraft to face
5 the direction of travel and be in a position to
6 observe the progress of the person or person being
7 towed.

8 2. Water skiing shall be allowed with any watercraft which is
9 designed to accommodate two or more persons.

10 B. No person shall operate or give permission to operate a
11 vessel on any waters of this state for towing a person or persons
12 using parasails or on water skis, a surfboard, a sailboard or
13 similar device nor shall any person engage in parasailing, water
14 skiing, surfboarding, sailboarding or similar activity at any time
15 between the hours from sunset to sunrise or at such time visibility
16 due to other existing conditions is obscured so as to endanger life
17 or property.

18 C. The provisions of subsections A and B of this section do not
19 apply to a performer engaged in a professional exhibition or a
20 person or persons engaged in an activity authorized under Section
21 4205 of this title.

22 D. No person shall operate or give permission to operate or
23 manipulate any vessel, tow rope or other device by which the
24 direction or location of parasails, water skis, a surfboard, or

1 similar device may be affected or controlled in such a way as to
2 cause the parasails, water skis, surfboard, or similar device, or
3 any person thereon to collide with or strike against any object or
4 person.

5 E. 1. No person shall operate or give permission to operate a
6 personal watercraft or similar device capable of being remote
7 controlled by the skier unless such device is factory equipped with
8 an engine kill switch capable of shutting off the engine in the
9 event the skier becomes detached from the personal watercraft
10 device. A person operating a personal watercraft equipped by the
11 manufacturer with a lanyard type engine cutoff switch shall attach
12 such lanyard to his or her person, clothing, or personal flotation
13 device as appropriate for the specific vessel.

14 2. No person shall operate a personal watercraft at any time
15 between the hours from sunset to sunrise unless equipped with
16 prescribed lights.

17 F. 1. Whenever any person leaves any vessel, other than a
18 personal watercraft, on the waters in this state, and enters the
19 water between the hours of sunrise and sunset, the operator of such
20 vessel shall display a red or orange flag measuring not less than
21 twelve (12) inches by twelve (12) inches on the vessel. The flag
22 shall be displayed only when an occupant of the vessel has left the
23 confines of such vessel and entered the water. The flag shall not
24 be displayed when the watercraft is engaged in towing any person but

1 shall be displayed when such person has ceased being towed and has
2 reentered the water. The provisions of this subsection shall not
3 apply to a watercraft that is moored or anchored.

4 2. No operator shall knowingly operate any vessel in excess of
5 a slow or no-wake speed within fifty (50) yards of a vessel
6 displaying a flag required by this subsection.

7 SECTION 3. This act shall become effective November 1, 2024.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
9 February 22, 2024 - DO PASS

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