

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 42

By: Bergstrom

4
5
6 AS INTRODUCED

7 An Act relating to commercial flotation devices;
8 amending 82 O.S. 2021, Section 896.16, which relates
9 to user fees and licenses; authorizing promulgation
10 of rules; updating statutory language; updating
11 statutory reference; and providing an effective date.

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

13 SECTION 1. AMENDATORY 82 O.S. 2021, Section 896.16, is
14 amended to read as follows:

15 Section 896.16. A. 1. Until replaced or changed as provided
16 for in subsection C of this section, the Grand River Dam Authority
17 is authorized and directed to charge an annual use fee of Thirty-
18 five Dollars (\$35.00) per commercially owned and operated flotation
19 device on the Illinois River within Adair, Cherokee and Delaware
20 Counties.

21 2. The operation of a commercial flotation device without
22 displaying a proper license issued by the Authority shall result in
23 a fine not to exceed One Hundred Dollars (\$100.00). The fine shall
24 be assessed upon the owner or operator of the commercial flotation
25 device.

1 device business and not upon the individual renting the commercial
2 flotation device.

3 3. Commercial flotation devices shall not be operated on Flint
4 Creek in Delaware County and those portions of Barren Fork Creek in
5 Cherokee County.

6 B. For the Flint Creek and Illinois River within Adair,
7 Cherokee and Delaware Counties and those portions of Barren Fork
8 Creek within Cherokee County, the Authority is authorized and
9 directed to charge until replaced or changed as provided for in
10 subsection C of this section:

11 1. An annual use fee of Ten Dollars (\$10.00) per noncommercial,
12 privately owned device; or

13 2. A use fee of One Dollar (\$1.00) per day for all
14 noncommercial, privately owned flotation devices floating upon a
15 designated scenic river. Landowners located immediately adjacent to
16 a designated scenic river shall not be required to pay any fee for
17 private use as authorized in this section or otherwise by law.

18 C. Under the provisions of Section ~~5 of this act~~ 896.2 of this
19 title granting the Authority the power to establish licenses and set
20 fees, the Authority may promulgate rules for the collection and
21 administration of the fees imposed pursuant to the provisions of
22 this section or may promulgate rules establishing licenses;
23 providing for the issuance, renewal, revocation, denial, and
24 suspension of licenses; and setting fees that change or replace the

1 licenses and fees imposed pursuant to the provisions of this
2 section. Upon final adoption of rules changing or replacing any or
3 all of the licenses and fees imposed pursuant to the provisions of
4 this section, the Authority shall cease to impose, collect or charge
5 the license and fee that was changed or replaced by rule. Rules
6 promulgated by the Authority pursuant to this section shall be in
7 accordance with the Administrative Procedures Act.

8 D. Until replaced or changed as provided for in subsection C
9 of this section, the Grand River Dam Authority may charge a fee for
10 use of camping sites located in public use and access areas
11 controlled by the Authority in an amount that does not exceed the
12 rate charged by the Oklahoma Tourism and Recreation Department for
13 camping sites.

14 E. For the purposes of the Scenic Rivers Act, "commercial
15 flotation device" means a canoe, boat, kayak, inner tube, raft or
16 other similar device suitable for the transportation of a person or
17 persons on waterways which is available for hire by the public for
18 use on scenic rivers.

19 SECTION 2. This act shall become effective in accordance with
20 the provisions of Section 58 of Article V of the Oklahoma
21 Constitution.

22
23 59-1-427 RD 12/15/2022 4:13:01 PM
24
25