

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 790

By: Dossett

4  
5  
6 AS INTRODUCED

7 An Act relating to hunting and fishing; amending 29  
8 O.S. 2011, Section 4-110, as amended by Section 1,  
9 Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2016, Section  
10 4-110), which relates to fishing licenses; exempting  
11 veterans from annual license requirement; defining  
12 term; amending 29 O.S. 2011, Section 4-112, as last  
13 amended by Section 1, Chapter 165, O.S.L. 2015 (29  
14 O.S. Supp. 2016, Section 4-112), which relates to  
15 hunting licenses; exempting veterans from annual  
16 license requirement; defining term; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY 29 O.S. 2011, Section 4-110, as  
20 amended by Section 1, Chapter 286, O.S.L. 2013 (29 O.S. Supp. 2016,  
21 Section 4-110), is amended to read as follows:

22 Section 4-110. A. Except as otherwise provided in the Oklahoma  
23 Wildlife Conservation Code, no person shall fish, pursue, harass,  
24 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

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

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

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

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

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

20 4. Legal resident veterans ~~having a disability of sixty percent~~  
21 ~~(60%) or more;~~

22 5. Legal resident owners or tenants, their spouses, parents,  
23 grandparents, children and their spouses, grandchildren and their  
24 spouses who fish in private ponds on land owned or leased by them;

1           6. Any legal resident or nonresident who is a patient of an  
2 institution of the State of Oklahoma established for the care and  
3 treatment of mental illness or alcohol or drug dependency or any  
4 developmentally disabled person residing in any group home or other  
5 institution or developmentally disabled persons when accompanied by  
6 an attendant of the institution or legal guardian of the patient, or  
7 when fishing on institutional property;

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

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

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

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

23           11. Any legal resident or nonresident who is a Job Corps  
24 trainee of this state, provided that the trainees shall have on

1 their persons a duly authorized identification card issued by their  
2 respective Job Corps Center and shall present the card upon request,  
3 in lieu of a fishing license. The trainees shall return their cards  
4 to their respective Job Corps Center when the trainees leave their  
5 respective Job Corps training programs;

6 12. Any legal resident having a proven disability which renders  
7 the resident nonambulatory and confined to a wheelchair as certified  
8 by a physician licensed in this state or any state which borders  
9 this state;

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

17 14. Any legal resident or nonresident participating in an  
18 aquatic education event or clinic sanctioned by the Department of  
19 Wildlife Conservation.

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

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

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

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

5        D. Of the fees collected pursuant to the provisions of  
6        paragraphs 1 and 3 of subsection C of this section, Five Dollars  
7        (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land  
8        Stamp and shall be deposited in the Oklahoma Wildlife Land Fund  
9        created pursuant to the provisions of Section 4-141 of this title.

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

13       1. Annual fishing license for nonresidents - Fifty-four Dollars  
14       (\$54.00), provided the Commission may enter into reciprocity  
15       agreements with states wherein nonresident license fees shall be in  
16       conformity with such reciprocal agreements;

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

19       3. One-day fishing license for nonresidents - Fourteen Dollars  
20       (\$14.00).

21       F. Of the fees collected pursuant to the provisions of  
22       paragraphs 1, 2 and 3 of subsection E of this section, Five Dollars  
23       (\$5.00) of the annual license fee for nonresidents, One Dollar and  
24       fifty cents (\$1.50) of the six-day fishing license for nonresidents

1 fee and One Dollar and fifty cents (\$1.50) of the one-day fishing  
2 license for nonresidents fee shall be deposited in the Wildlife Land  
3 Acquisition Fund created pursuant to the provisions of Section 4-132  
4 of this title. Of the fees collected pursuant to the provisions of  
5 paragraphs 1 , 2 and 3 of subsection E of this section, Five Dollars  
6 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land  
7 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund  
8 created pursuant to the provisions of Section 4-141 of this title.

9 G. Legal residents who have resided in this state for at least  
10 six (6) months and who are receiving Social Security Disability  
11 benefits, Supplemental Security Income benefits, disability benefits  
12 under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal  
13 employees receiving disability benefits pursuant to 5, U.S.C.,  
14 Section 8451 (1998) or legal residents who are one hundred percent  
15 (100%) disabled and are receiving disability payments from the  
16 Multiple Injury Trust Fund pursuant to Section 403 of Title 85 of  
17 the Oklahoma Statutes, may purchase a disability fishing license  
18 from the Director for Ten Dollars (\$10.00) for five (5) years.

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

- 1           a.    for legal residents, Fifty Dollars (\$50.00), and
- 2           b.    for nonresidents, Ninety Dollars (\$90.00).

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

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

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

21           K.    Any person producing proof in court that a current fishing  
22 license issued by the Department of Wildlife Conservation to that  
23 person was in force at the time of the alleged offense shall be  
24 entitled to dismissal of a charge of violating this section upon

1 payment of court costs. If proof of a current fishing license  
2 issued by the Department to the person that was in force at the time  
3 of the alleged offense is presented to the court or district  
4 attorney within seventy-two (72) hours after the violation, the  
5 charge shall be dismissed without payment of court costs.

6 L. The word "veteran", used in this section shall mean a person  
7 who served in the active military, naval or air service, and who was  
8 discharged or released therefrom under conditions other than  
9 dishonorable.

10 SECTION 2. AMENDATORY 29 O.S. 2011, Section 4-112, as  
11 last amended by Section 1, Chapter 165, O.S.L. 2015 (29 O.S. Supp.  
12 2016, Section 4-112), is amended to read as follows:

13 Section 4-112. A. Except as otherwise provided for in the  
14 Oklahoma Wildlife Conservation Code or the Oklahoma Farmed Cervidae  
15 Act, no person may hunt, pursue, trap, harass, catch, kill, take or  
16 attempt to take in any manner, use, have in possession, sell, or  
17 transport all or any portion of any wildlife except fish, without  
18 having first procured a license from the Department of Wildlife  
19 Conservation. The Wildlife Conservation Commission shall designate  
20 a consecutive Saturday and Sunday in September of each year as free  
21 hunting days in which residents of this state may hunt without first  
22 procuring a hunting license pursuant to the provisions of this  
23 section.

24

1 B. The following legal residents of Oklahoma shall be exempt  
2 from the annual hunting license requirement of paragraph 1 of  
3 subsection E of this section and the following nonresidents shall be  
4 exempt from the annual nonresident hunting licenses required  
5 pursuant to paragraph 1 of subsection C of this section:

6 1. Legal residents under sixteen (16) years of age;

7 2. Legal residents sixty-five (65) years of age or older  
8 provided they have obtained a senior citizen lifetime hunting or  
9 combination hunting and fishing license pursuant to the provisions  
10 of Section 4-114 of this title;

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

12 4. Legal resident veterans ~~having a disability of sixty percent~~  
13 ~~(60%) or more;~~

14 5. Legal resident owners or tenants who hunt on land owned or  
15 leased by them;

16 6. Any nonresident under fourteen (14) years of age;

17 7. Legal residents having a proven disability which renders  
18 them nonambulatory and confines them to a wheelchair, as certified  
19 by a physician licensed in this state or in any state which borders  
20 this state;

21 8. Any legal resident or nonresident under eighteen (18) years  
22 of age who is in the physical custody of a child care facility as  
23 defined by Section 402 of Title 10 of the Oklahoma Statutes; and  
24

1           9. Any legal resident or nonresident hunting, pursuing,  
2 trapping, harassing, catching, killing, taking, or attempting to  
3 take in any manner any species of rattlesnake during an organized  
4 rattlesnake-hunting event or festival and who has a rattlesnake  
5 permit issued pursuant to Section 4-143 of this title.

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

9           1. Annual hunting license for nonresidents hunting game other  
10 than deer, antelope, elk or bear which expires on December 31 of the  
11 year purchased - One Hundred Forty-one Dollars (\$141.00).

12 Nonresidents hunting big game or combination big game and upland  
13 game in a commercial hunting area shall be required to have this  
14 license;

15           2. Annual hunting license for nonresidents hunting game other  
16 than deer, antelope, elk or bear which expires on June 30 of the  
17 fiscal year purchased - One Hundred Seventy-five Dollars (\$175.00).

18 Nonresidents hunting big game or combination big game and upland  
19 game in a commercial hunting area shall be required to have this  
20 license;

21           3. Gun hunting license for deer for nonresidents which shall be  
22 valid for hunting all deer allowed during the current calendar year  
23 deer gun season - Two Hundred Seventy-nine Dollars (\$279.00);

1       4. Archery hunting license for deer for nonresidents which  
2 shall expire on January 15 of the calendar year after the year  
3 purchased or if purchased during the deer archery season it shall  
4 expire at the end of that deer archery season - Two Hundred Seventy-  
5 nine Dollars (\$279.00);

6       5. Primitive firearms hunting license for deer for nonresidents  
7 which shall be valid for hunting all deer allowed during the current  
8 calendar year deer primitive firearms season - Two Hundred Seventy-  
9 nine Dollars (\$279.00);

10       6. Hunting license for antelope for nonresidents - Three  
11 Hundred Five Dollars (\$305.00);

12       7. Hunting license for elk for nonresidents - Three Hundred  
13 Five Dollars (\$305.00);

14       8. Five-day hunting license for nonresidents hunting game other  
15 than deer, antelope, elk, quail, turkey or bear - Seventy-four  
16 Dollars (\$74.00); and

17       9. Ten-day hunting license for nonresidents hunting small game  
18 in a commercial hunting area - Five Dollars (\$5.00).

19       D. Of the fees collected pursuant to the provisions of  
20 subsection C of this section:

21       1. Five Dollars (\$5.00) of the license fee of each license  
22 issued pursuant to paragraphs 1 through 7 of subsection C of this  
23 section and Two Dollars and fifty cents (\$2.50) of the license fee  
24 for each license issued pursuant to paragraph 8 of subsection C of

1 this section shall be deposited in the Wildlife Land Acquisition  
2 Fund created pursuant to the provisions of Section 4-132 of this  
3 title; and

4 2. Five Dollars (\$5.00) of the license fee for each license  
5 issued pursuant to paragraphs 1 through 8 of subsection C of this  
6 section shall be for the Oklahoma Wildlife Land Stamp and shall be  
7 deposited in the Oklahoma Wildlife Land Fund created pursuant to the  
8 provisions of Section 4-141 of this title.

9 E. Except as otherwise provided, the resident hunting licenses  
10 issued pursuant to this section and the fee for each license shall  
11 be:

12 1. Annual hunting license for residents eighteen (18) years of  
13 age and older which expires on December 31 of the year purchased -  
14 Twenty-four Dollars (\$24.00);

15 2. Annual hunting license for residents eighteen (18) years of  
16 age and older which expires on June 30 of the fiscal year purchased  
17 - Thirty-one Dollars (\$31.00);

18 3. Annual hunting license for residents sixteen (16) or  
19 seventeen (17) years of age which expires on December 31 of the year  
20 purchased - Four Dollars (\$4.00);

21 4. Annual hunting license for residents sixteen (16) or  
22 seventeen (17) years of age which expires on June 30 of the fiscal  
23 year purchased - Six Dollars (\$6.00);

24

1 5. Ten-day hunting license for residents for small game in a  
2 commercial hunting area - Five Dollars (\$5.00);

3 6. Five-year disability hunting license for residents of this  
4 state for at least six (6) months who are receiving Social Security  
5 Disability benefits, Supplemental Security Income benefits or  
6 disability benefits under the Railroad Retirement Act, 45 U.S.C.A.,  
7 Section 231a, or residents who are one-hundred-percent disabled and  
8 are receiving disability payments from the Multiple Injury Trust  
9 Fund pursuant to Section 31 of Title 85A of the Oklahoma Statutes -  
10 Ten Dollars (\$10.00);

11 7. Gun hunting license for deer for residents eighteen (18)  
12 years of age or older - Nineteen Dollars (\$19.00). The following  
13 persons shall be exempt:

14 a. ~~residents with proper certification from the United~~  
15 ~~States Department of Veterans Affairs or its~~  
16 ~~successor, certifying that the person is a disabled~~  
17 ~~veteran in receipt of compensation at the one-hundred-~~  
18 ~~percent rate~~ legal resident veterans, and

19 b. residents hunting in big game or combination big game  
20 and upland game commercial hunting areas;

21 8. Gun hunting license for deer for residents under eighteen  
22 (18) years of age - Nine Dollars (\$9.00);  
23  
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1           9. Archery hunting license for deer for residents eighteen (18)  
2 years of age or older - Nineteen Dollars (\$19.00). The following  
3 persons shall be exempt:

4           a. ~~residents with proper certification from the United~~  
5           ~~States Department of Veterans Affairs or its~~  
6           ~~successor, certifying that the person is a disabled~~  
7           ~~veteran in receipt of compensation at the one hundred-~~  
8           ~~percent rate~~ legal resident veterans, and

9           b. residents hunting in big game or combination big game  
10           and upland game commercial hunting areas;

11          10. Archery hunting license for deer for residents under  
12 eighteen (18) years of age - Nine Dollars (\$9.00);

13          11. Primitive firearms hunting license for deer for residents  
14 eighteen (18) years of age or older - Nineteen Dollars (\$19.00).

15 The following persons shall be exempt:

16           a. ~~residents with proper certification from the United~~  
17           ~~States Department of Veterans Affairs or its~~  
18           ~~successor, certifying that the person is a disabled~~  
19           ~~veteran in receipt of compensation at the one hundred-~~  
20           ~~percent rate~~ legal resident veterans, and

21           b. residents hunting in big game or combination big game  
22           and upland game commercial hunting areas;

23          12. Primitive firearms hunting license for deer for residents  
24 under eighteen (18) years of age - Nine Dollars (\$9.00);

1 13. Hunting license for elk for residents - Fifty Dollars  
2 (\$50.00). Residents hunting in big game or combination big game and  
3 upland game commercial hunting areas shall be exempt from this  
4 license;

5 14. Hunting license for antelope for residents - Fifty Dollars  
6 (\$50.00). Residents hunting in big game or combination big game and  
7 upland game commercial hunting areas shall be exempt from this  
8 license; and

9 15. Bonus, special or additional gun hunting license for deer  
10 for residents - Nineteen Dollars (\$19.00). The following persons  
11 shall be exempt:

12 a. ~~residents with proper certification from the United~~  
13 ~~States Department of Veterans Affairs or its~~  
14 ~~successor, certifying that the person is a disabled~~  
15 ~~veteran in receipt of compensation at the one-hundred-~~  
16 ~~percent rate~~ legal resident veterans, and

17 b. residents hunting in big game or combination big game  
18 and upland game commercial hunting areas.

19 F. Of the fees collected pursuant to the provisions of  
20 paragraphs 1 and 2 of subsection E of this section, Five Dollars  
21 (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land  
22 Stamp and shall be deposited in the Oklahoma Wildlife Land Fund  
23 created pursuant to the provisions of Section 4-141 of this title.

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1 G. The provisions of this section shall not be construed to  
2 require a hunting license, resident or nonresident, of any person  
3 merely because the person participates, as owner or handler of an  
4 entry, as an official, or as a spectator in the conduct of a field  
5 trial or performance test of dogs, whether a resident or nonresident  
6 of the State of Oklahoma. No license to hunt shall be required of  
7 any person engaged in training or working dogs, provided that person  
8 is in no way engaged in hunting and does not take or attempt to take  
9 in any manner any game.

10 H. 1. Any person arrested for hunting game other than deer,  
11 antelope, elk, bear or turkey without a valid hunting license as  
12 required by the provisions of subsection A of this section may  
13 purchase a substitute temporary thirty-day license from the  
14 arresting game warden in lieu of posting bond. Proof of hunter  
15 safety certification will not be required for the temporary  
16 substitute license. The fee for a substitute license purchased  
17 pursuant to the provisions of this subsection shall be:

- 18 a. for legal residents, Fifty Dollars (\$50.00), and
- 19 b. for nonresidents, One Hundred Forty-five Dollars  
20 (\$145.00).

21 2. Except as otherwise provided for by this subsection, the  
22 fees from licenses purchased pursuant to the provisions of this  
23 subsection shall be deposited in the Wildlife Conservation Fund to  
24

1 be used exclusively for developing, managing, preserving, and  
2 protecting wildlife and wildlife habitat.

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

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

18 K. Unless a substitute license is purchased as provided for by  
19 subsection H of this section, any nonresident convicted of violating  
20 the provisions of this section shall be punished by the imposition  
21 of a fine of not less than Two Hundred Dollars (\$200.00) nor more  
22 than Five Hundred Dollars (\$500.00), or by imprisonment in the  
23 county jail for a period not to exceed six (6) months, or by both.

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1        L. The word "veteran", used in this section shall mean a person  
2 who served in the active military, naval or air service, and who was  
3 discharged or released therefrom under conditions other than  
4 dishonorable.

5        SECTION 3. This act shall become effective January 1, 2018.

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