

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1463

By: Ownbey

4  
5 AS INTRODUCED

6 An Act relating to public health and safety; amending  
7 63 O.S. 2011, Sections 4231, 4232, 4233 and 4235,  
8 which relate to the Kyle Williams Boating Safety  
9 Education Act; updating and adding definition;  
10 prohibiting certain persons from operating vessels or  
11 personal watercraft; deleting certain prohibited  
acts; modifying document requirements; updating  
statutory references; adding exceptions to  
certification requirement; providing penalty for  
certain prohibited act; and providing an effective  
date.

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13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 4231, is  
16 amended to read as follows:

17 Section 4231. Sections ~~4~~ 4231 through ~~6~~ 4236 of this ~~act~~ title  
18 shall be known and may be cited as the "Kyle Williams Boating Safety  
19 Education Act".

20 SECTION 2. AMENDATORY 63 O.S. 2011, Section 4232, is  
21 amended to read as follows:

22 Section 4232. A. As used in this section:

23 1. "Vessel" ~~shall have the same meaning as defined in Section~~  
24 ~~4002 of Title 63 of the Oklahoma Statutes, but shall not include~~

1 personal watercraft means every device, other than a seaplane on the  
2 water, used or capable of being used as a means of transportation on  
3 water; and

4 2. "Boating safety education course" means a course in safe  
5 boating that meets or exceeds the minimum instruction standards as  
6 established by the National Association of State Boating Law  
7 Administrators in effect at the time the course is completed; and

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

18 B. A No person under sixteen (16) years of age born on or after  
19 January 1, 1992, shall ~~not~~ operate any vessel, as defined in this  
20 section, powered by a motor or combination of motors in excess of  
21 ten (10) horsepower, personal watercraft, or any sail-powered vessel  
22 sixteen (16) feet or greater in length on the waters of this state  
23 unless the person has:

24

1 1. Successfully completed a boating safety education course or  
2 has passed a proctored equivalency examination which tests the  
3 knowledge of information included in the curriculum of such a  
4 course; and

5 2. Received a Boating Safety Education Certificate as evidence  
6 of successful completion of a boating safety education course or an  
7 equivalency examination.

8 C. A person at least twelve (12) years of age, but who has not  
9 reached sixteen (16) years of age, shall not operate a vessel, as  
10 defined in this section, powered by a motor or combination of motors  
11 in excess of ten (10) horsepower or any sail-powered vessel sixteen  
12 (16) feet or greater in length on the waters of this state unless  
13 the person:

14 1. Has met the requirements listed in subsection B of this  
15 section; and

16 2. Is accompanied by a competent adult, eighteen (18) years of  
17 age or older, who is in a position on or in the vessel to take  
18 immediate control of the vessel being operated.

19 ~~D. 1. A person under sixteen (16) years of age shall not~~  
20 ~~operate a personal watercraft unless the person has met the~~  
21 ~~requirements listed in subsection B of this section.~~

22 ~~2.~~ A person at least twelve (12) years of age, but who has not  
23 reached sixteen (16) years of age, shall not operate a personal  
24 watercraft unless the person:

1       ~~a.~~ 1. Has met the requirements listed in subsection B of this  
2 section; and

3       ~~b.~~ 2. Is under the visual supervision by a competent adult,  
4 eighteen (18) years of age or older within a distance of five  
5 hundred (500) yards.

6 ~~The operator of a personal watercraft shall stay at least fifty (50)~~  
7 ~~feet away from all moving vessels, shall idle at or in the vicinity~~  
8 ~~of docks and swimmers, and shall wear an approved personal flotation~~  
9 ~~device.~~

10       E. The Department of Public Safety shall promulgate rules  
11 necessary for:

12       1. The certification of programs and tests for boating safety  
13 education offered by other public or private organizations;

14       2. The administration of a boating safety education program;  
15 and

16       3. The issuance of boating safety education certificates.

17       F. A Boating Safety Education Certificate issued by the  
18 Department of Public Safety to a person who has successfully  
19 completed a boating safety education course or course equivalency  
20 examination shall not expire.

21       G. A person who is operating a vessel or personal watercraft on  
22 the waters of this state shall have in his or her immediate  
23 possession:

24

1 1. The original Boating Safety Education Certificate as proof  
2 the operator meets the requirements of this section; ~~or~~

3 2. A photo identification that clearly shows the operator ~~is~~  
4 ~~sixteen (16) years of age or older~~ to have been born prior to  
5 January 1, 1992; or

6 3. A valid driver license with a proper endorsement indicating  
7 the person has successfully completed a boating safety course as  
8 required by this section.

9 Failure to present such proof upon request by a peace officer shall  
10 be prima facie evidence of a violation of this section.

11 H. No person less than twelve (12) years of age shall operate  
12 any vessel powered by a motor or combination of motors in excess of  
13 ten (10) horsepower, personal watercraft, or sail-powered vessel  
14 sixteen (16) feet or greater in length except as provided in Section  
15 4233 of this title.

16 SECTION 3. AMENDATORY 63 O.S. 2011, Section 4233, is  
17 amended to read as follows:

18 Section 4233. Except as otherwise provided, a person is not  
19 required to comply with the certification required by Section ~~2~~ 4232  
20 of this ~~act~~ title if the person:

21 1. Is not a resident of this state and has proof the person has  
22 successfully completed a boating safety education course or  
23 equivalency examination in another state or foreign country that is  
24 approved by the Department of Public Safety;

1 2. Is participating in a sanctioned event as defined in Section  
2 4201 ~~et seq.~~ of this title; ~~or~~

3 3. Is operating a personal watercraft as defined in Section  
4 4201 ~~et seq.~~ of this title in a no-wake zone while under the  
5 supervision of an adult;

6 4. Is at least eighteen (18) years of age and possesses a  
7 dealer demonstration permit, is operating a vessel or personal  
8 watercraft with the consent of the dealer and is contemplating  
9 purchase of the vessel or personal watercraft so long as this intent  
10 is limited to a seventy-two-hour period or a weekend; or

11 5. Is the purchaser of a new or used vessel or personal  
12 watercraft who is at least eighteen (18) years of age and while  
13 operating such vessel or personal watercraft is in possession of the  
14 bill of sale or current certificate of registration during the first  
15 ninety (90) calendar days from the date of purchase.

16 SECTION 4. AMENDATORY 63 O.S. 2011, Section 4235, is  
17 amended to read as follows:

18 Section 4235. A. Any person who violates any of the provisions  
19 of Section 4232 of this title shall, upon conviction, be guilty of a  
20 misdemeanor punishable by a fine of not less than Fifty Dollars  
21 (\$50.00) nor more than One Hundred Dollars (\$100.00). Any second or  
22 subsequent conviction shall be punishable by a fine of not less than  
23 Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred  
24 Dollars (\$500.00).

1        B. Any parent, legal guardian or person having actual  
2 responsibility for a person under ~~sixteen (16)~~ eighteen (18) years  
3 of age, or ~~who is the owner of the vessel operated by a person under~~  
4 ~~sixteen (16) years of age~~ owner, who knows, or should have known,  
5 that the person operating the vessel is not in compliance with the  
6 certification required by Section 2 4232 of this ~~act~~ title shall  
7 ~~constitute a misdemeanor and, upon conviction thereof, shall be~~  
8 guilty of a misdemeanor punishable by a fine of not less than Fifty  
9 Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). Any  
10 second or subsequent conviction shall be punishable by a fine ~~in an~~  
11 ~~amount~~ of not less than Two Hundred Fifty Dollars (\$250.00), nor  
12 more than Five Hundred Dollars (\$500.00).

13        ~~B. A violation of the provisions of Section 2 of this act~~  
14 ~~shall constitute a misdemeanor and, upon conviction thereof, shall~~  
15 ~~be punishable by a fine of not less than Two Hundred Fifty Dollars~~  
16 ~~(\$250.00) nor more than One Thousand Dollars (\$1,000.00).~~

17        C. All fines collected under this section shall be deposited to  
18 the Boating Safety Education Fund administered by the State Boating  
19 Law Administrator as designated by the Commissioner of Public Safety  
20 for the purpose of establishing, maintaining and operating a program  
21 of boating safety education throughout the State of Oklahoma.

22        D. A court may defer the imposition of a fine and place a  
23 defendant on probation for a period not to exceed sixty (60) days if  
24 the defendant:

- 1 1. Is a first-time violator of a provision of this section;
- 2 2. Pleads guilty or nolo contendere or is found guilty;
- 3 3. Requests permission from the court to attend a boating
- 4 safety education course; and
- 5 4. Successfully completes a boating safety education course
- 6 approved by the Department of Public Safety during the probation
- 7 period.

8 E. Any person producing proof in court that a valid Boating  
9 Safety Education Certificate or equivalent form recognized by the  
10 Department of Public Safety reflecting such person has successfully  
11 completed a boating safety education course or is exempt from such  
12 course was in effect at the time of the alleged offense of Section ~~2~~  
13 4232 of this ~~act~~ title shall be entitled to dismissal of such charge  
14 upon payment of court costs. If such proof is provided within two  
15 (2) regular business days after the violation, the charge shall be  
16 dismissed without payment of court costs.

17 SECTION 5. This act shall become effective November 1, 2013.

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19 54-1-5576            GRS            01/14/13

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