

1 **SENATE FLOOR VERSION**

2 February 13, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 876

6 By: Pederson of the Senate

7 and

8 Burns of the House

9 An Act relating to hunting; amending 29 O.S. 2021,
10 Section 4-112A, which relates to the certificate of
11 competency and safety; requiring applicants of a
12 certain license to receive certificate; requiring
13 certain individuals to apply for a hunting guide
14 license or register with the Department of Wildlife
15 Conservation in order to hunt in this state;
16 directing Department to promulgate rules for
17 licensure; requiring certain requirements of persons
18 prior to application; exempting certain individuals
19 from licensure; providing for penalties; updating
20 statutory language; providing for codification; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 29 O.S. 2021, Section 4-112A, is
24 amended to read as follows:

25 Section 4-112A. A. No person thirty (30) years of age or
26 younger may purchase or receive any hunting license or hunting tag
27 unless the person possesses and can exhibit a certificate of
28 competency and safety in the use and handling of firearms from the

1 Department of Wildlife Conservation. The Department shall charge no
2 fee for the issuance of certificates. Persons under ten (10) years
3 of age may take the hunter education course but are not eligible to
4 be tested for and receive hunter safety certification. A hunter
5 safety certificate issued by another state or country and approved
6 by the Department of Wildlife Conservation shall be deemed to meet
7 the requirements of this section.

8 B. A youth hunter under sixteen (16) years of age hunting small
9 game shall be exempt from the hunter safety certification
10 requirements set forth in subsection A of this section if they are
11 accompanied by a licensed hunter eighteen (18) years of age or older
12 who possesses a certificate of hunter safety or is exempt from the
13 hunter safety certification requirements. The accompanying hunter
14 shall be in sight of the youth hunter and shall be able to
15 communicate with the youth hunter in a normal voice without the aid
16 of any communication device. A youth hunter who possesses a
17 certificate of hunter safety may hunt small game without an
18 accompanying hunter as long as the youth hunter carries the
19 certification on their person.

20 C. Persons under thirty (30) years of age who do not possess a
21 certificate of hunter safety may purchase or receive any hunting
22 license or permit which is required by law with the designation
23 apprentice listed on the hunter education line of the license or
24 permit. A person holding a license or permit with the apprentice

1 designation shall be allowed to hunt only if they are accompanied by
2 a licensed hunter eighteen (18) years of age or older who possesses
3 a certificate of hunter safety or is exempt from the hunter safety
4 certification requirements or is accompanied by a person exempt from
5 the hunting license requirements. In addition, all persons under
6 ten (10) years of age, when hunting big game, regardless of hunter
7 safety certification, shall be accompanied by a licensed hunter
8 eighteen (18) years of age or older who possesses a certificate of
9 hunter safety or is exempt from the hunter safety certification
10 requirements or is accompanied by a person exempt from the hunting
11 license requirement. When hunting big game, the accompanying hunter
12 shall be within arm's length of the apprentice hunter or close
13 enough so that the accompanying hunter can immediately take control
14 of the firearm or archery equipment of the apprentice hunter. When
15 hunting small game, the accompanying hunter shall be in sight of the
16 apprentice hunter and shall be able to communicate with the
17 apprentice hunter in a normal voice without the aid of any
18 communication device.

19 D. Legal residents who do not possess a certificate of hunter
20 safety may purchase a lifetime hunting license or lifetime
21 combination hunting/fishing license with the designation apprentice
22 listed on the hunter education line of the license. A resident
23 holding a lifetime license with the apprentice designation shall be
24 allowed to hunt only if they comply with the accompanying hunter

1 requirements as set forth in subsection C of this section. Upon
2 obtaining a certificate of hunter safety, a resident holding a
3 lifetime license with the apprentice designation shall be entitled
4 to renew their license without the apprentice designation.

5 E. No nonresident may purchase and receive a hunting guide
6 license or resident may register as a hunting guide pursuant to
7 Section 2 of this act unless the nonresident or resident possesses
8 and can exhibit a certificate of competency and safety in the use
9 and handling of firearms from the Department of Wildlife
10 Conservation. The Department shall charge no fee for the issuance
11 of this certificate. A hunter safety certificate issued by another
12 state or country and approved by the Department of Wildlife
13 Conservation shall be deemed to meet the requirements of this
14 section for a nonresident. The exemption provided in subsection G
15 of this section shall not apply to nonresidents seeking to purchase
16 and receive a hunting guide license.

17 F. The Department of Wildlife Conservation shall promulgate
18 rules necessary for the certification of programs for hunter safety
19 offered by other public or private organizations.

20 ~~F.~~ The G. Except as provided in subsection E of this section,
21 the provisions of this section shall not apply to any person who has
22 an honorable discharge from the United States Armed Forces, who is
23 currently on active duty in the United States Armed Forces or a
24 member of the National Guard. In addition, the provisions of this

1 section shall not apply to any person who is a resident landowner or
2 a resident tenant, while hunting game other than deer or antelope,
3 upon land owned or leased by the person. The provisions of this
4 subsection shall not exempt nonresidents owning land in this state
5 nor any person leasing land, for the purpose of hunting.

6 ~~G.~~ H. Any person convicted of violating the provisions of this
7 section shall be punished by the imposition of a fine ~~of~~ not less
8 than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars
9 (\$200.00) or by imprisonment in the county jail for a period not to
10 exceed thirty (30) days, or by both fine and imprisonment.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 4-112B of Title 29, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Except as otherwise provided in the Oklahoma Wildlife
15 Conservation Code, no:

16 1. Nonresident shall assist, accompany, transport, guide, or
17 aid persons in the taking of game for compensation or other
18 consideration in this state without having first procured a licensed
19 specified in subsection B of this section from the Director of
20 Wildlife Conservation or from any of the authorized agents of the
21 Department; and

22 2. Resident shall assist, accompany, transport, guide, or aid
23 persons in the taking of game for compensation or other
24 consideration in this state without having first registered as a

1 hunting guide with the Director of Wildlife Conservation or from any
2 of the authorized agents of the Department.

3 B. The Department shall promulgate rules for a hunting guide
4 license for nonresidents who assist, accompany, transport, guide, or
5 aid persons in the taking of game for compensation or other
6 consideration. All nonresidents making application for a hunting
7 guide license or residents registering to be a hunting guide in this
8 state shall:

9 1. Be eighteen (18) years of age or older;

10 2. Be able to produce a valid license to operate a motor
11 vehicle or other positive proof of identification, age, and
12 residency, and any such license issued shall show such data as well
13 as the date and time of issuance; and

14 3. Receive a certificate of competency and safety in use and
15 handling of firearms pursuant to subsection E of Section 4-112A of
16 Title 29 of the Oklahoma Statutes.

17 C. The fee for a license under this section shall be
18 promulgated by the Director.

19 D. The provisions of this section shall not:

20 1. Apply to landowners or agricultural lessees who provide such
21 services on properties they own or lease;

22 2. Exempt a nonresident procuring a guide license or resident
23 registering to be a guide pursuant to this section from any other
24 hunting licenses as required by law; or

1 3. Allow the license holder to conduct guide business on any
2 land publicly owned or managed by the Department of Wildlife
3 Conservation.

4 E. Any person convicted of violating the provisions of this
5 section shall be punished by a fine not more than Two Thousand
6 Dollars (\$2,000.00).

7 SECTION 3. This act shall become effective November 1, 2023.

8 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
9 February 13, 2023 - DO PASS AS AMENDED BY CS

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