

OKLAHOMA STATUTES
TITLE 29. GAME AND FISH

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§29-1-101. Short title.

This act shall be known and may be cited as the Oklahoma Wildlife Conservation Code, and is hereinafter referred to as "this Code."
Laws 1974, c. 17, § 1-101, emerg. eff. April 8, 1974.

§29-2-101. Definitions of words and phrases.

The following words and phrases when used in this Code shall, for the purposes of this Code, have the meanings respectively ascribed to them in this article, except where the context otherwise requires.
Laws 1974, c. 17, § 2-101, emerg. eff. April 8, 1974.

§29-2-101.1. Animal.

"Animal" means an organism of the animal kingdom, as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof, or the dead body parts thereof, excluding fossils.
Laws 1991, c. 182, § 1, eff. Sept. 1, 1991.

§29-2-102. Bag limit.

"Bag limit" is the number of any kind of wildlife permitted to be taken in any one day or one open season, as the case may be.
Laws 1974, c. 17, § 2-102, emerg. eff. April 8, 1974; Laws 1975, c. 48, § 1.

§29-2-103. Buy.

"Buy" is to obtain an item by an exchange for consideration, and includes barter, offer to buy or the act of buying.
Laws 1974, c. 17, § 2-103, emerg. eff. April 8, 1974.

§29-2-104. Closed season.

"Closed season" is all other times than open season, and is the period during which protected wildlife may not be lawfully taken.
Laws 1974, c. 17, § 2-104, emerg. eff. April 8, 1974.

§29-2-104.1. Commercial purposes.

"Commercial purposes" shall mean to manage on a business basis or engage in any transaction or exchange for consideration, including barter, the offer to sell or possession with intent to sell for profit, or monetary gain.

Laws 1991, c. 182, § 2, eff. Sept. 1, 1991.

§29-2-105. Commission.

"Commission" is that body created and authorized by Article XXVI of the Oklahoma Constitution and refers to the Oklahoma Wildlife Conservation Commission.

Laws 1974, c. 17, § 2-105, emerg. eff. April 8, 1974.

§29-2-106. Commissioner.

"Commissioner" is an individual who is a member of the "Commission."

Laws 1974, c. 17, § 2-106, emerg. eff. April 8, 1974.

§29-2-106.1. Day.

"Day" is a period of time consisting of twenty-four (24) hours from midnight to midnight.

Laws 1991, c. 182, § 3, eff. Sept. 1, 1991.

§29-2-106.1a. Computer-assisted remote control hunting.

"Computer-assisted remote control hunting" means the use of a computer or any other device, equipment, or software to remotely control the hunting, taking, or attempt to take wildlife.

Added by Laws 2008, c. 104, § 2, emerg. eff. May 2, 2008.

§29-2-107. Department.

"Department" is that agency created and authorized by Article XXVI of the Oklahoma Constitution, which has charge of managing Oklahoma's wildlife and refers to the Oklahoma Department of Wildlife Conservation.

Laws 1974, c. 17, § 2-107, emerg. eff. April 8, 1974.

§29-2-108. Director.

"Director" is that official heading the "Department" and refers to the Oklahoma Wildlife Conservation Director, under Article XXVI of the Oklahoma Constitution.

Laws 1974, c. 17, § 2-108, emerg. eff. April 8, 1974.

§29-2-108.1. Domesticated animal.

"Domesticated animal" means an animal kept for pleasure or for utility, that has adapted to life in association with and to the use of human beings, and shall not include animals which normally can be found in the wild state, unless specifically so designated by the Oklahoma Wildlife Conservation Commission.

Laws 1991, c. 182, § 4, eff. Sept. 1, 1991.

§29-2-109. Endangered.

"Endangered" refers to any wildlife species or subspecies in the wild or in captivity whose prospects of survival and reproduction are in immediate jeopardy and includes those species listed as endangered by the federal government, as well as any species or subspecies identified as threatened by Oklahoma statute or Commission resolution.

Laws 1974, c. 17, § 2-109, emerg. eff. April 8, 1974; Laws 1985, c. 172, § 1, emerg. eff. June 18, 1985.

§29-2-109.1. Exotic wildlife.

"Exotic wildlife" includes any and all species of wildlife that are not indigenous to, or that may not be found in the wild in, the continental United States.

Laws 1991, c. 182, § 5, eff. Sept. 1, 1991; Laws 1993, c. 214, § 1, eff. Sept. 1, 1993.

§29-2-109.2. Exotic livestock.

"Exotic livestock" means commercially raised animals of the families bovidae, cervidae, anticopridae and ratites, and animals of the order Galliformes.

Added by Laws 1996, c. 7, § 3, emerg. eff. March 19, 1996.

§29-2-109.3. Exhibit.

"Exhibit" means to display a wild animal to members of the general public for any reason.

Added by Laws 2003, c. 188, § 1, eff. July 1, 2003.

§29-2-110. Fishing.

"Fishing" is defined as the taking or attempting to take fish or other aquatic dwelling organisms by hook and line, seine, trap or such other means as may be designated as legal by the provisions of this Code or by the Oklahoma Wildlife Conservation Commission.

Laws 1974, c. 17, § 2-110, emerg. eff. April 8, 1974.

§29-2-111. Furbearer.

"Furbearer" is any animal whose fur or pelt has commercial value and includes specifically: beaver, badger, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk and weasel.

Laws 1974, c. 17, § 2-111, emerg. eff. April 8, 1974; Laws 1977, c. 171, § 1, eff. Oct. 1, 1977.

§29-2-112. Gallinaceous game bird.

"Gallinaceous game bird" means a heavy-bodied, short, broad winged, fowl-like bird commonly sought after by sportsmen and includes pheasant, prairie chicken, quail and turkey.

Laws 1974, c. 17, § 2-112, emerg. eff. April 8, 1974.

§29-2-113. Game.

"Game," when used alone, refers to mammals and birds and does not include fish.

Laws 1974, c. 17, § 2-113, emerg. eff. April 8, 1974.

§29-2-114. Game bird.

"Game bird" is a bird species normally sought after by sportsmen, and includes only all species of brant, cranes, doves, ducks, gallinules, geese, grouse, partridge, pheasant, quail, prairie chickens, rails, snipes, swans, tinamous, wild turkeys, woodcock, and any part thereof.

Laws 1974, c. 17, § 2-114, emerg. eff. April 8, 1974; Laws 1992, c. 149, § 1, emerg. eff. April 30, 1992.

§29-2-115. Game fish.

"Game fish" is a fish normally sought after by sportsmen, and includes only largemouth bass, smallmouth bass, white bass, spotted bass, black crappie, white crappie, northern pike, trout, sauger, saugeye, striped bass, walleye, blue catfish and channel catfish. Blue catfish and channel catfish are herein defined to mean "forked tail" catfish.

Laws 1974, c. 17, § 2-115, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 6, eff. Sept. 1, 1991; Laws 1992, c. 402, § 1, eff. Dec. 1, 1992.

§29-2-116. Game mammal.

"Game mammal" is any mammalian species normally sought after by sportsmen and protected by this Code, or any part of such animal. Laws 1974, c. 17, § 2-116, emerg. eff. April 8, 1974.

§29-2-116.1. Game warden.

"Game warden" is a duly authorized employee of the Department whose primary duties are the enforcement of the wildlife conservation laws of Oklahoma. Whenever the word "ranger" appears in this title it shall have the same meaning as "game warden".

Laws 1991, c. 182, § 7, eff. Sept. 1, 1991.

§29-2-117. Headlighting.

"Headlighting" is the use of any light or light enhancement device commonly known as a nightscope in conjunction with a firearm, longbow or crossbow, from the period of sunset to sunrise for the taking of wildlife.

Added by Laws 1974, c. 17, § 2-117, emerg. eff. April 8, 1974.

Amended by Laws 1998, c. 121, § 1, emerg. eff. April 15, 1998.

§29-2-118. Hunting or taking.

"Hunting or taking" is pursuing, killing, capturing, trapping, snaring and netting wildlife, and all lesser acts such as disturbing, harrying, worrying or placing, setting, drawing or using any net, trap or other device used to take wildlife and includes specifically every attempt to take and every assistance to other persons in taking or attempting to take wild animals, except that the definitions of "taking" and "hunting" wildlife shall not include disturbing, harrying or worrying wild game in field trials or performance tests of dogs nor the act of any person in participating as owner, handler, trainer, official or member of an audience observing such trials, whether resident or nonresident, where wild game is not killed. Laws 1974, c. 17, § 2-118, emerg. eff. April 8, 1974.

§29-2-119. Inhabited.

Occupied by a person as a place of settled residence. Laws 1974, c. 17, § 2-119, emerg. eff. April 8, 1974.

§29-2-120. Lease.

"Lease" is a contractual relationship by which one party obtains a right to the possession and usage of a certain space, property, or subsurface rights for a definite period of time. In the event a person is permitted to come upon the land to perform some specific act, such as hunting, that individual has no "lease" but only "license" to do that act. Laws 1974, c. 17, § 2-120, emerg. eff. April 8, 1974.

§29-2-121. Minnows.

"Minnows" are small nongame fish commonly used for bait and include bluntnose, bullhead minnows, chubs, dace, darters, fatheads, killifish, small carp, small goldfish, shiners and stonerollers. Laws 1974, c. 17, § 2-121, emerg. eff. April 8, 1974.

§29-2-121.1. Night or nighttime.

"Night" or "nighttime" means a period of time between sunset and sunrise. Laws 1991, c. 182, § 8, eff. Sept. 1, 1991.

§29-2-121.2. Native wildlife.

"Native wildlife" means any and all species of wildlife that are indigenous to, or that may be found in the wild in, the United States. Laws 1991, c. 182, § 9, eff. Sept. 1, 1991; Laws 1993, c. 214, § 2, eff. Sept. 1, 1993.

§29-2-122. Nongame birds.

"Nongame birds" are all birds not game birds. Laws 1974, c. 17, § 2-122, emerg. eff. April 8, 1974.

§29-2-123. Nongame fish.

"Nongame fish" are all fish not game fish.

Laws 1974, c. 17, § 2-123, emerg. eff. April 8, 1974.

§29-2-124. Nonresident.

A "nonresident" is any individual who is a resident of another state, or who has resided in Oklahoma less than sixty (60) days, whether or not he intends to make Oklahoma his home during that period.

Laws 1974, c. 17, § 2-124, emerg. eff. April 8, 1974.

§29-2-125. Noodling.

"Noodling" is the taking of fish by use of hands only.

Laws 1974, c. 17, § 2-125, emerg. eff. April 8, 1974.

§29-2-126. Open season.

"Open season" is that season during which protected wildlife may be lawfully taken and, in absence of statutes, is regulated by the Commission.

Laws 1974, c. 17, § 2-126, emerg. eff. April 8, 1974.

§29-2-127. Other powerful light.

"Other powerful light" is any illuminating source or light enhancement device designed to be carried on one's person, including, but not limited to, flashlights, floodlights (spotlights), hand lanterns, carbide lamps, nightscopes, and/or similar lights carried on one's person and not designed to be attached to or a part of a motor vehicle or water conveyance.

Added by Laws 1974, c. 17, § 2-127, emerg. eff. April 8, 1974.

Amended by Laws 1998, c. 121, § 2, emerg. eff. April 15, 1998.

§29-2-128. Person.

"Person" is an individual, firm, corporation, association or partnership and includes agent, employee and principal.

Laws 1974, c. 17, § 2-128, emerg. eff. April 8, 1974.

§29-2-129. Possession.

"Possession" is the retention and control of the thing referred to and may be either actual or constructive possession.

Laws 1974, c. 17, § 2-129, emerg. eff. April 8, 1974.

§29-2-130. Predator.

"Predator" is any mammal or bird which preys upon another mammal or bird for food.

Laws 1974, c. 17, § 2-130, emerg. eff. April 8, 1974.

§29-2-131. Predatory bird.

"Predatory bird" is any bird which preys upon another bird or mammal for food, and includes specifically all eagles, falcons, hawks and owls.

Laws 1974, c. 17, § 2-131, emerg. eff. April 8, 1974.

§29-2-132. Predatory mammal.

"Predatory mammal" is any mammal which preys upon another mammal or bird for food, and includes only coyote and wolf.

Laws 1974, c. 17, § 2-132, emerg. eff. April 8, 1974; Laws 1977, c. 171, § 2, eff. Oct. 1, 1977.

§29-2-132.1. Processed paddlefish eggs.

"Processed paddlefish eggs" are any eggs taken from paddlefish that have gone through a process which makes the eggs into the product caviar or into a caviar-like product.

Added by Laws 1998, c. 121, § 4, emerg. eff. April 15, 1998.

§29-2-133. Protected wildlife.

"Protected wildlife" is all wildlife which is accorded some measure of protection in the time or manner of taking other than restrictions in the use of artificial lights or poison.

Laws 1974, c. 17, § 2-133, emerg. eff. April 8, 1974.

§29-2-133.1. Public road.

"Public road" means any governmental or corporate roadway where ingress and egress by vehicular traffic is not restricted and the roadway is routinely used by the general public.

Added by Laws 1995, c. 199, § 1, emerg. eff. May 19, 1995.

§29-2-134. Repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991.

§29-2-135. Threatened.

"Threatened" refers to any wildlife species or subspecies in the wild or in captivity that, although not presently threatened with extinction, are in such small numbers throughout their range that they may become an endangered species within the foreseeable future or that they may be endangered if their environment deteriorates. Threatened species and subspecies include those species and subspecies listed as "threatened" by the federal government as well as any species or subspecies identified as threatened by Oklahoma statutes or Commission resolution.

Laws 1974, c. 17, § 2-135, emerg. eff. April 8, 1974; Laws 1985, c. 172, § 2, emerg. eff. June 18, 1985.

§29-2-136. Regulation.

"Regulation" refers to an instrument which is legislative in nature, is of general effect, has statewide application, is either substantive or procedural, and which is promulgated pursuant to the Administrative Procedures Act.

Laws 1974, c. 17, § 2-136, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 10, eff. Sept. 1, 1991.

§29-2-137. Reservoir.

"Reservoir" is defined as a body of water formed by an impounding dam structure, the size of which shall be designated by the surface at water supply, conservation, designated or power pool elevation as indicated by the governing agency.

Laws 1974, c. 17, § 2-137, emerg. eff. April 8, 1974.

§29-2-138. Resident.

"Resident" is any individual who has an established bona fide or actual residence in Oklahoma for a period of not less than sixty (60) consecutive days immediately preceding the date the application for a license, permit, stamp, or any other issue of the Department is submitted. The burden of establishing proof of residency shall be on the person claiming residency status. A person holding a valid driver license or permit to operate a motor vehicle shall be deemed to be a resident of the state issuing the license or permit. For a valid Oklahoma driver license to be used as the sole source of proof of residency, it shall have been issued not less than sixty (60) days prior to submission of the application. If a person does not hold a valid driver license, the Department may consider other reliable documentation for establishing proof of residency including, but not limited to, property tax receipts, resident income tax returns, voter registration, motor vehicle or vessel registrations, and other public records documenting residence. Residency status of children under eighteen (18) years of age is presumed to be that of the custodial parent, including a custodial parent when there is a joint custody order and the physical custody of the child is shared by both parents, or legal guardian unless otherwise documented. Ownership or possession of real property in the state by a person residing outside the state shall not qualify the person as a resident. A person shall not be entitled to claim multiple states of residence, except as follows:

1. A person who is not otherwise a resident of the state and is a member of the Armed Forces of the United States and is on active duty and permanently assigned to a military installation located in the state shall be eligible to qualify as a resident if the person presents with the license application a certificate of assignment in the state from a commanding officer or designated representative. A spouse or dependent of the person who is not otherwise a resident of the state, is living within the same household and is similarly

certified by a commanding officer, shall also be eligible to qualify as a resident;

2. The residency of a person shall not terminate upon entering the Armed Forces of the United States. A member of the Armed Forces of the United States on active duty, and any dependents of the member, is presumed to retain residency status in the state for purposes of purchasing any annual license issued by the Department of Wildlife Conservation as long as the member is on active duty as verified by valid military documentation; and

3. The residency status of any person, excluding a member of the Armed Forces of the United States while on active duty as verified by valid military documentation and any dependents of the member, shall terminate if the person obtains any resident hunting, fishing, trapping license or permit or valid driver license issued by another state.

Added by Laws 1974, c. 17, § 2-138, emerg. eff. April 8, 1974.

Amended by Laws 2007, c. 44, § 1, emerg. eff. April 24, 2007; Laws 2010, c. 317, § 1, eff. Jan. 1, 2011; Laws 2017, c. 353, § 1, eff. Nov. 1, 2017; Laws 2018, c. 41, § 1, eff. Nov. 1, 2018.

§29-2-139. Safety zone.

"Safety zone" is only that water area below any dam for the distance of fifty (50) yards from the base of the dam; or, if there is a turbine outlet extending from the dam, then the area between the base of the dam and the furthest point of the turbine outlet. In no instance shall this zone include the land adjacent to those waters.

Laws 1974, c. 17, § 2-139, emerg. eff. April 8, 1974.

§29-2-140. Sell or sale.

"Sell or sale" is to exchange for consideration and includes barter, the offer to sell or possession with intent to sell.

Laws 1974, c. 17, § 2-140, emerg. eff. April 8, 1974.

§29-2-141. Shall.

"Shall" is used in this Code as imposing an obligation to act.

Laws 1974, c. 17, § 2-141, emerg. eff. April 8, 1974.

§29-2-142. Tailwater.

"Tailwater" is the first one thousand (1,000) feet of stream below the base of the reservoir dam.

Laws 1974, c. 17, § 2-142, emerg. eff. April 8, 1974.

§29-2-143. Transport.

"Transport" is the carrying or moving by any means, causing to be carried or moved by any means, or accepting and receiving wildlife for such carrying or movement.

Laws 1974, c. 17, § 2-143, emerg. eff. April 8, 1974.

§29-2-144. Trap.

"Trap" or "trapping" is the use of traps, nets, snares, deadfalls or other devices used for the purpose of killing, capturing, netting or ensnaring any wildlife.

Laws 1974, c. 17, § 2-144, emerg. eff. April 8, 1974.

§29-2-145. Upland game.

"Upland game" is all game that does not normally live near water, and includes only squirrels, rabbits, quail, pheasant, partridge, grouse, prairie chicken, wild turkey, deer, elk and antelope.

Laws 1974, c. 17, § 2-145, emerg. eff. April 8, 1974.

§29-2-146. Vehicle mounted spotlight.

"Vehicle mounted spotlight" is any light attached to a motor vehicle or water conveyance or of the type designed to be so attached.

Laws 1974, c. 17, § 2-146, emerg. eff. April 8, 1974.

§29-2-147. Waters of this state.

"Waters of this state" shall mean any river, stream, creek, bayou, oxbow and any impoundment constructed with public funds, provided, that impoundments constructed on private lands under the watershed protection and flood prevention programs of the U. S. Department of Agriculture, Soil Conservation Service, shall not be included as waters of this state.

Laws 1974, c. 17, § 2-147, emerg. eff. April 8, 1974.

§29-2-148. Repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991.

§29-2-148.1. Wild.

"Wild" means any wildlife, whether or not raised in captivity, that normally are found in a state of nature.

Laws 1991, c. 182, § 11, eff. Sept. 1, 1991.

§29-2-149. Repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991.

§29-2-149.1. Wildlife.

"Wildlife" means all wild birds, mammals, fish, reptiles, amphibians and other wild aquatic forms, and all other animals which normally can be found in the wild state, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include any and every part of any individual species of wildlife, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof.

Laws 1991, c. 182, § 12, eff. Sept. 1, 1991.

§29-3-101. Creation of Department and Commission - Rules, regulations and policies - Successor of former Commission and Department.

A. There is hereby created a Department of Wildlife Conservation and a Wildlife Conservation Commission in and for the State of Oklahoma, under Section 1, Article XXVI, of the Constitution of the State of Oklahoma, and such Department shall be governed by the State Wildlife Conservation Director, which position is created in Section 3-104 of this Code, under such rules, regulations and policies as may be prescribed by the Commission. Such rules and regulations and amendments thereto, as adopted by the Commission, shall be filed and recorded in the office of the Secretary of State.

B. The Department, Commission and the officers thereof, as herein set forth, are hereby made the legal successors of the Wildlife Conservation Department and Commission created by Section 1, Article XXVI of the Oklahoma Constitution and enacted by Section 122, Title 29, Oklahoma Statutes 1957. Such Department, Commission and the officers thereof are hereby empowered to take charge of records, books, papers, information, property, funds, obligations and appropriations now in the possession of the former Wildlife Department and Commission and shall perform all duties now enjoined upon such former Department and Commission.

Laws 1974, c. 17, § 3-101, emerg. eff. April 8, 1974.

§29-3-102. Members of Commission - Appointment and confirmation - Eligibility - Term - Travel expenses.

A. The Commission shall consist of one member from each of eight districts of the state, such districts to include the areas as follows:

District No. 1: Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Washington, Tulsa, Pawnee and Osage Counties.

District No. 2: Adair, Sequoyah, Cherokee, Wagoner, Muskogee, Haskell, McIntosh and Okmulgee Counties.

District No. 3: LeFlore, Latimer, Pittsburg, Atoka, Pushmataha, McCurtain, Choctaw, Bryan, Marshall, Carter and Love Counties.

District No. 4: Creek, Lincoln, Okfuskee, Seminole, Pottawatomie, Pontotoc, Hughes, Johnston and Coal Counties.

District No. 5: Logan, Oklahoma, Cleveland, McClain, Garvin, Murray and Payne Counties.

District No. 6: Blaine, Kingfisher, Canadian, Caddo, Grady, Comanche, Stephens, Jefferson and Cotton Counties.

District No. 7: Ellis, Dewey, Roger Mills, Custer, Beckham, Washita, Kiowa, Greer, Jackson, Harmon and Tillman Counties.

District No. 8: Cimarron, Texas, Beaver, Harper, Woodward, Woods, Major, Alfalfa, Grant, Garfield, Kay and Noble Counties.

B. Each Commissioner shall be appointed by the Governor of the State of Oklahoma, by and with the consent of the State Senate of the State of Oklahoma, and shall be removed only for cause, as provided by law for the removal of officers not subject to impeachment, pursuant to Sections 1181 through 1197 of Title 22 of the Oklahoma Statutes.

C. The term of office of each such member shall be eight (8) years, except that the first appointed members shall hold office for terms as follows: the member appointed from District No. 1 shall hold office until July 1 following his appointment, and the members appointed from Districts 2, 3, 4, 5, 6, 7 and 8 shall hold office until July 1 of the second, third, fourth, fifth, sixth, seventh and eighth succeeding calendar years, respectively. In the event the Governor fails to fill a vacancy within thirty (30) days following such vacancy, the remaining members of the Commission may appoint a qualified person to fill such vacancy for the unexpired portion of the term.

D. The members of the Commission shall be allowed travel expenses as provided in the State Travel Reimbursement Act. Laws 1974, c. 17, § 3-102, emerg. eff. April 8, 1974; Laws 1978, c. 86, § 1; Laws 1985, c. 178, § 14, operative July 1, 1985.

§29-3-103. Functions, powers and duties of the Commission.

A. The Wildlife Conservation Commission shall constitute an advisory, administrative and policymaking board for the protection, restoration, perpetuation, conservation, supervision, maintenance, enhancement, and management of wildlife in this state as provided in the Oklahoma Wildlife Conservation Code.

B. The Director shall consult with the Commission regarding the administration of the affairs of the Department of Wildlife Conservation. The Commission is authorized and empowered to require from the Director complete reports and information relative to the affairs of the Department at the time and in the manner the Commission may deem advisable.

C. The Commission shall meet in regular session at least nine times per year not to exceed one meeting per month with not more than two consecutive calendar months between meetings and in special sessions as may be called by the Chair or a majority of the Commission. The Commission may hold any regular or special session at any location within this state. Should a location be chosen other than Commission headquarters in Oklahoma City for a regular or special meeting, notice shall be posted at Commission headquarters in Oklahoma City and advertised in the local newspaper of the city in which the meeting is to be held, at least one time during each of the two (2) weeks prior to the meeting. The advertisements shall include time, date, and address of location of the meeting.

D. In addition to the other powers and duties prescribed by law, the Commission shall:

1. Institute an affirmative action plan for hiring women and minorities throughout the agency;
2. Elect a chair, vice-chair, and secretary, who shall perform the duties required of them by statutes, rules of the Commission, and the Constitution of the State of Oklahoma. The chair, vice-chair, and secretary shall receive no extra compensation;
3. Appoint a Director, and determine the qualifications of the Director and all assistants and employees. A Commissioner shall not be eligible for employment in any position within the Department;
4. Prescribe rules and policies for the transaction of its business and the control of the Department;
5. Develop and implement a plan to provide step raises for Commission employees so that discrepancies of pay levels within a pay grade are eliminated;
6. Acquire by purchase, lease, gift, or devise, waters, real property, and personal property incident to the exercise of its functions and to maintain, operate, and dispose of the same;
7. Acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers;
8. Supervise the establishment, extension, improvement, and operation of the wildlife refuges, propagation areas or stations, public hunting areas, public fishing areas, game management areas, and fish hatcheries;
9. Prescribe the manner of cooperation with the Oklahoma Tourism and Recreation Department, colleges and universities within the state, other state agencies, any agency of the federal government, and any city, town, school district, or any other agency or organization in study of conservation and propagation of wildlife and in the establishment, maintenance, and operation of visual educational facilities, recreational facilities, and hunting and fishing facilities, in the study and propagation of wildlife;
10. Supervise the letting of all contracts and purchases for the Department, with all purchases of personal property to be made through the Office of Management and Enterprise Services;
11. Authorize all claims or expenditures prior to incurring payment except as otherwise provided in this Code;
12. Prescribe rules on the use of Department-owned vehicles by the Director, department heads and other essential employees as the Commission deems necessary in order to perform their duties;
13. Prescribe rules for the sale of all regular or special licenses;
14. Publicize and encourage the conservation and appreciation of wildlife and all other natural resources;
15. Regulate the seasons and harvest of wildlife;

16. Promulgate rules to sell fishing and hunting licenses via the Internet;

17. Annually report to the Governor and the Legislature on the complete operation, activities, and plans of the Department, together with such recommendations for future activities as the Commission may deem to be in the best interest of the state; and

18. Provide the Governor and the Legislature with an annual inventory of all property and equipment.

Added by Laws 1974, c. 17, § 3-103, emerg. eff. April 8, 1974.

Amended by Laws 1983, c. 304, § 9, eff. July 1, 1983; Laws 1990, c. 193, § 1, emerg. eff. May 7, 1990; Laws 1991, c. 262, § 1; Laws 1994, c. 318, § 1, emerg. eff. June 8, 1994; Laws 1995, c. 255, § 1, eff. July 1, 1995; Laws 1996, c. 7, § 4, emerg. eff. March 19, 1996; Laws 2001, c. 77, § 1, eff. Nov. 1, 2001; Laws 2006, c. 138, § 11, eff. Nov. 1, 2006; Laws 2012, c. 304, § 116; Laws 2017, c. 24, § 1, eff. Nov. 1, 2017.

§29-3-103a. Special permits for designated species.

The Wildlife Conservation Commission may, by order, authorize the Department of Wildlife Conservation to issue, in addition to regular permits issued under this title, up to five (5) special permits each year for designated species. The special permits shall be sold at public auction or by sealed bid. The Department may contract with nonprofit organizations or charitable causes to conduct the public auctions.

Added by Laws 1998, c. 46, § 1, eff. Nov. 1, 1998.

§29-3-103b. Setback and conservation easements.

A. The Oklahoma Wildlife Conservation Commission and the Department of Wildlife Conservation shall not enter into or approve a setback or conservation easement that includes a setback related to energy or agricultural structures and regarding a threatened, endangered or candidate species that is more restrictive than those created pursuant to federal law, rules or guidelines.

B. Prior to entering into or approving a conservation easement or setback pursuant to subsection A of this section, the Commission and the Department shall review all information and studies presented to the Commission or Department by a public or private entity affected by the proposed conservation easement or setback.

Added by Laws 2012, c. 315, § 1, emerg. eff. May 30, 2012.

§29-3-104. Director of Wildlife Conservation - Creation of office.

There is hereby created the office of Director of Wildlife Conservation, under Section 3, Article XXVI of the Constitution of the State of Oklahoma, to be appointed by a majority vote of the entire Commission, who shall be removed only for cause and after public hearing by the Commission. His duties and compensation for

his services shall be fixed by a majority vote of the entire Commission.

Laws 1974, c. 17, § 3-104, emerg. eff. April 8, 1974.

§29-3-105. Powers and duties of the Director - Succession of interest.

A. Immediately upon the appointment of the Director, he shall become vested with the duties and powers of the management and control of the Department under such provisions, orders, rules and regulations as may be prescribed by the Commission, and in addition thereto shall have the following specific powers and duties:

1. To manage and control, under the supervision of the Commission, all wildlife refuges and real or personal properties which are held, operated or maintained by the Department.

2. To appoint and employ such assistants, department heads, rangers, clerical help and other employees as the Commission may deem necessary, subject to the approval of the Commission. The Director shall fix and determine the salaries and wages to be paid under and subject to the rules and regulations as promulgated by the Commission; and the Director shall supervise and direct all employees of either the Commission or the Department and may suspend, discharge, station or transfer them at any time that, in his judgment, the Commission or the state will be best served thereby.

3. To approve or disapprove and pay all legal claims for services rendered or expenses incurred by rangers and other employees of the Department in accordance with the schedules therefor and the rules and regulations previously adopted by the Commission.

4. To establish and maintain a proper system of bookkeeping and accounting under the supervision of the State Auditor and Inspector.

5. To promote and manage wildlife propagation by raising and distributing the same over the state at the direction of the Commission; to capture, propagate, transport, buy, sell or exchange any species of fish, game, furbearing animals and protected birds needed for stocking the lands or waters of the state; and to feed, provide and care for such fish, animals and birds.

6. To make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the conservation of wildlife with the sanction of the district attorney of the county in which such proceedings are brought, and shall not be required to give security for costs. The Director may also appear in behalf of the people in any court of competent jurisdiction in any prosecution for a violation of any of the laws for the protection of wildlife, and may prosecute the same in the same manner and with the same authority as the district attorney of the county where such proceedings are pending in cases where such attorney is unable to be present or refuses to prosecute such case.

7. To make emergency purchases of equipment, materials and supplies under rules and regulations prescribed by the Commission.

B. All duties and authority imposed or conferred upon the former Wildlife Conservation Director by any statute, rule or regulation of the Commission are hereby imposed and conferred upon the Director until such time as the Commission or the Legislature shall, by appropriate measure, change such duties or authority imposed by said Commission.

Laws 1974, c. 17, § 3-105, emerg. eff. April 8, 1974; Laws 1979, c. 30, § 88, emerg. eff. April 6, 1979.

§29-3-201. Game wardens - Enforcement of laws - Operation of certain vehicles and vessels - Refusal to stop - Bribes.

A. All things being equal, veterans of World War II, the Korean, the Vietnam and Persian Gulf Wars shall be appointed as game wardens when vacancies occur.

B. All persons appointed game wardens shall be peace officers and have the full powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Code and are authorized to:

1. Enforce all state laws on Department-owned or Department-managed lands;

2. Enforce all other laws of this state;

3. Make arrests for wildlife conservation violations and nonconservation-related crimes with the same power and authority as sheriffs are vested with and in cooperation with other law enforcement officers and agencies;

4. Take into possession any and all protected wildlife, or any part thereof, killed, taken, shipped or in any possession contrary to the law, and the wildlife or parts thereof may be disposed of as determined by the Director or any court of competent jurisdiction;

5. Make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the protection and propagation of wildlife, with the sanction of the prosecuting or district attorney of the county in which the proceedings are brought, and shall not be required to give security for costs;

6. Be an authorized agent of the Commission or Department under Section 3-202 of this title in addition to duties as a game warden; and

7. Assist in enforcement of the state fire laws, upon request of the Oklahoma Department of Agriculture, Food, and Forestry.

C. 1. Pursuant to the provisions of this subsection, a game warden may operate a vehicle owned or leased by the Department upon a roadway during the hours of darkness without lighted headlamps, clearance lamps, or other illuminating devices. As used in this paragraph, "roadway" shall include any street or highway in this

state except an interstate highway, a limited access highway, a state trunk highway, or any street or highway within the limits of an incorporated area.

2. Pursuant to the provisions of this subsection, a game warden may operate a vessel upon any waters of this state during the hours of darkness without the illuminating devices required by Section 4207 of Title 63 of the Oklahoma Statutes.

3. A game warden may operate a vehicle or vessel without the illuminating devices specified in this subsection only if the operation:

- a. is made in the performance of the duties of the game warden pursuant to the provisions of the Code, and
- b. (1) will aid in the accomplishment of a lawful arrest for any violation of the Oklahoma Wildlife Code or any rule or regulation promulgated thereto, or
(2) will aid in ascertaining whether a violation of the Oklahoma Wildlife Conservation Code or any rule or regulation promulgated thereto has been or is about to be committed.

D. Any person who refuses to stop a vehicle or boat when requested to do so by a game warden in the performance of the duties of the game warden is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

E. Any game warden who solicits or accepts any bribe or money or other thing of value in connection with the performance of duty as a game warden shall be guilty of a felony and, upon conviction, shall be sentenced to a term not less than two (2) years nor more than seven (7) years in the custody of the Department of Corrections and shall be summarily removed from office.

Added by Laws 1974, c. 17, § 3-201, emerg. eff. April 8, 1974.

Amended by Laws 1988, c. 208, § 1, eff. July 1, 1988; Laws 1989, c. 8, § 1, emerg. eff. March 27, 1989; Laws 1991, c. 182, § 13, eff. Sept. 1, 1991; Laws 1997, c. 133, § 442, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 326, eff. July 1, 1999; Laws 2003, c. 287, § 1, eff. July 1, 2003; Laws 2006, c. 138, § 12, eff. Nov. 1, 2006.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 442 from July 1, 1998, to July 1, 1999.

§29-3-202. Authorized agents - Penalty for false representation.

A. No person shall represent himself to be an authorized agent of the Commission, the Department or the Director unless such person has been so appointed by written order of the Director or the Commission, which order shall specifically state the purpose and limits of authority to be exercised by such agent.

B. Any person so representing himself and who in fact is not duly appointed shall, upon conviction, be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Laws 1974, c. 17, § 3-202, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 14, eff. Sept. 1, 1991.

§29-3-203. Oaths of office - Bonds.

A. Oaths of office are required from the following and in the following order:

1. Each member of the Commission shall take the oath required of other state officers, under Section 36.2A of Title 51 of the Oklahoma Statutes;

2. Each game warden and any other employee the Commission deems necessary, at the time of his appointment, shall take and subscribe to an oath of office in a form to be determined by the Commission.

B. Bonds are required of the Director, each game warden and any other employee the Commission deems necessary. Each, at the time of his appointment, shall file with the Secretary of State a good and sufficient surety bond to the state, set in an amount determined by the Commission, conditioned upon the faithful performance of the duties of his office, and approved by the office of the Attorney General. The premium on such bonds shall be paid by the Department. Laws 1974, c. 17, § 3-203, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 15, eff. Sept. 1, 1991.

§29-3-204. Procedures.

The Commission shall operate under the provisions of the Oklahoma Administrative Procedures Act in adopting, amending or repealing any rule or regulation.

Laws 1974, c. 17, § 3-204, emerg. eff. April 8, 1974.

§29-3-205. Repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991.

§29-3-205.2. Jurisdiction for commission of offense.

The jurisdiction for the commission of an offense of the Oklahoma Wildlife Conservation Code shall be in the county in which such offense occurred unless the wildlife offense is committed on the boundary of two or more counties, then the jurisdiction for the commission of an offense pursuant to the Oklahoma Wildlife Conservation Code shall be in either county. If the offense of the Oklahoma Wildlife Conservation Code is committed within five hundred (500) yards of the boundary of two or more counties and the officer does not know in which county such offense occurred then the jurisdiction shall be in either county.

Laws 1991, c. 182, § 16, eff. Sept. 1, 1991.

§29-3-205.3. Arrest without warrant.

A game warden without warrant may arrest a person for any wildlife violation of which the arresting game warden or another peace officer or wildlife enforcement officer in communication with the arresting game warden has visual or electronic perception including perception by aircraft, radio, or electronically enhanced night vision equipment.

Laws 1991, c. 182, § 17, eff. Sept. 1, 1991.

§29-3-301. Dispositions of monies from fines and forfeitures - Reports and transmittals.

A. All monies received from fines and forfeitures for violation of the Wildlife Conservation laws shall, when collected by the court clerk, be deposited by such clerk as follows:

1. Fifty percent (50%) thereof with the county treasurer to be credited to the general fund of the county and so reported;

2. Fifty percent (50%) shall be transmitted to the State Wildlife Conservation Fund by cash voucher and so reported.

B. All transmittals of funds under this section shall be accompanied by a report showing the name of the court, the number of the case, the style of the case and the amount of fine and forfeiture in each separate instance.

Laws 1974, c. 17, § 3-301, emerg. eff. April 8, 1974.

§29-3-302. Wildlife Conservation Fund.

A. There is hereby created in the State Treasury a revolving fund to be known as the Wildlife Conservation Fund, which shall consist of all monies heretofore or hereafter appropriated to, on deposit in, or credited to the State Game and Fish Fund created by Section 115 of Title 29 of the 1951 Oklahoma Statutes, and, in addition thereto, all license fees, penalties, fines or forfeitures and bond forfeitures collected by the state, any subdivision thereof, any public official or any other person for the violation of the wildlife conservation laws of this state, and all donations for such purposes as well as all monies received by the Department and all interest accruing therefrom. All monies accruing to the fund shall be subject to the following budgetary limitations:

1. Full-time-equivalent employees;
2. Personal services expenditures;
3. Federal fund expenditures; and
4. Total expenditures.

B. The expenditures of the Wildlife Conservation Fund shall be under the control and supervision of the Commission, and all claims against said fund shall be paid on its itemized voucher form, prepared by said Commission and sworn to by the claimant, and/or vendor's invoices as authorized under Section 86.1, Title 74 of the

Oklahoma Statutes. All such claims when duly signed and sworn to shall be audited by the Commission and/or designated employees and, upon final approval, vouchers which are payable from said fund shall be forwarded to the Director of the Office of Management and Enterprise Services. Upon approval thereof, warrants shall issue according to law, and said warrants shall be paid by the State Treasurer from said fund. A reserve fund of not less than One Hundred Thousand Dollars (\$100,000.00) shall be maintained to be used in emergencies only, by and with the consent of the Governor, and an additional reserve fund of not less than Two Hundred Thousand Dollars (\$200,000.00) shall be maintained for the liquidation of unissued licenses purchased by authorized agents for sale which have remained unsold when such unissued licenses are returned for refunds as provided for by law.

C. All fees, monies or funds arising from the operation and transactions of the Commission and from the application and administration of the laws and regulations pertaining to the wildlife resources of the state and from the sale of property used for said purposes shall be expended and used by said Commission for the control, management, restoration, conservation and regulation of the wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto and for no other purposes. Added by Laws 1974, c. 17, § 3-302, emerg. eff. April 8, 1974. Amended by Laws 1994, c. 382, § 55, eff. Sept. 1, 1994; Laws 2012, c. 304, § 117.

§29-3-303. Acquisition of property - Payments in lieu of tax payments.

A. The Commission may acquire, by purchase, gift, grants, grant-in-aid from the federal government, or from any other source public or private, all property or money necessary, useful or convenient for its use in carrying out the objects and purposes of this Code.

B. Any and all gifts, grants, royalties and rentals received by the Commission shall, however, be allocated and used in the same manner as Wildlife Conservation Funds, except that gifts given for specified purposes by the donor shall be used for such specified purposes.

C. On any land acquired by the Oklahoma Wildlife Conservation Commission pursuant to the provisions of the Oklahoma Wildlife Conservation Code, after the effective date of this act, the Commission shall annually make in lieu of tax payments equal to the average ad valorem tax per acre paid on similar land in that county. Said payments shall be made from any funds created in or pursuant to the authority granted by the Oklahoma Wildlife Conservation Code. The payments shall be made by the Commission within sixty (60) days

from receipt of an itemized statement from the county treasurer of the county in which the land is located.

D. The provisions of subsection C of this section shall be applicable to any lands acquired by or on behalf of the Oklahoma Wildlife Conservation Commission pursuant to Section 5 of this act and the Oklahoma Capitol Improvement Authority may enter into such agreements with the Oklahoma Wildlife Conservation Commission as may be required for the Commission to make such in lieu payments with respect to real property title to which is held by the Oklahoma Capitol Improvement Authority until title is transferred to the Commission as provided by Section 5 of this act.

Added by Laws 1974, c. 17, § 3-303, emerg. eff. April 8, 1974.

Amended by Laws 1988, c. 120, § 3, eff. Jan. 1, 1989; Laws 2004, c. 513, § 3, eff. Sept. 1, 2004.

§29-3-304. Lease of lands - Advertisement.

A. The Commission is hereby authorized to lease any lands owned by the State of Oklahoma under the control and management of said Commission under such terms and conditions as the Commission may prescribe and for the following purposes:

1. For grazing or agricultural purposes when the same will not be inconsistent with state or federal laws, rules or regulations;

2. For oil, gas and other mineral rights for a term of five (5) years or as long thereafter as oil and gas and other minerals may be produced therefrom in paying quantities.

B. The Commission shall advertise any lands which it proposes to lease on a competitive basis and may accept or reject all bids received.

C. All oil, gas and mineral leases executed by the Commission shall provide for reservation to the state of a royalty of not less than one-eighth (1/8) part of all oil, gas or minerals produced from the leased premises or, in lieu thereof, the market value of a one-eighth (1/8) part, and the payment of an annual delay rental a minimum of One Dollar (\$1.00) per acre per year or such larger sum which shall be fixed by the Commission in advance of the advertisement of such lands.

D. Profits derived from all bonuses, rents and royalties shall be deposited in the State Wildlife Conservation Fund.

E. Nothing contained within this section shall affect the land or minerals and mineral rights under the jurisdiction and control of the Commissioners of the Land Office of the State of Oklahoma, or any other department or agency of government.

Laws 1974, c. 17, § 3-304, emerg. eff. April 8, 1974.

§29-3-305. Investment of fees.

In order to equalize the expenditure of fees derived from the sale of lifetime licenses, the Department may invest such fees in any

investment permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. The interest derived therefrom may be expended by the Commission in the same manner as the Wildlife Conservation Fund, under Section 3-302 of this title.

Added by Laws 1974, c. 17, § 3-305, emerg. eff. April 8, 1974.

Amended by Laws 1998, c. 216, § 1, eff. July 1, 1998.

§29-3-306. Retirement plans - Monies exempt from attachment, etc. - Exception of qualified domestic orders.

A. There is hereby created an Oklahoma Wildlife Conservation Department Retirement Fund for the purpose of providing revenues for any retirement plan adopted by the Commission for the employees of the Department.

B. The method of calculation of benefits shall be the same for all employees covered under any plan adopted pursuant to this section.

C. No retirement plan adopted pursuant to this section shall pay any benefits or vest any benefits based on years of service credit related to years a plan member did not work or provide other public service.

D. The Oklahoma Department of Wildlife Conservation shall compile a quarterly financial report of all the funds of the Oklahoma Wildlife Conservation Department Retirement Fund on a fiscal year basis. The report shall be compiled pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The Department shall include in the quarterly reports all commissions, fees or payments for investment services performed on behalf of the Department. The report shall be distributed to the Governor, the Oklahoma State Pension Commission, the Legislative Service Bureau, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

E. Except as otherwise provided by this section, the right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance itself, any optional benefit, or any other right accrued or accruing to any person under the provisions of this section, the monies in the Oklahoma Wildlife Conservation Department Retirement Fund, are hereby exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as in this section specifically provided.

F. 1. The provisions of subsection E of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state, pursuant to the domestic relations laws of the State of Oklahoma, which relates to the provision of marital property rights to a spouse or former spouse of a member of any retirement fund created pursuant to subsection A of this section, or to the provision of support for a minor child or children, and which creates or recognizes the existence of the right of an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member and amounts payable to a plan participant of any retirement plan created pursuant to subsection A of this section.

3. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Commission or the entity responsible for the Retirement Fund and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address, if any, of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the Commission or the entity responsible for the Retirement Fund to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the Commission or the entity responsible for the Retirement Fund to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the retirement plan,
- b. does not require the Commission or the entity responsible for the Retirement Fund to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order

previously determined to be a qualified domestic order or an order recognized by the retirement plan as a valid order prior to the effective date of this section.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the Commission or the entity responsible for the Retirement Fund to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A., Section 1001 et seq., as amended from time to time, or rules promulgated thereunder, and court cases interpreting said act.

10. The Oklahoma Wildlife Conservation Commission shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order shall fully comply with all provisions of the rules promulgated by the Commission pursuant to this section in order to continue receiving benefits.

Added by Laws 1974, c. 17, § 3-306, emerg. eff. April 8, 1974.

Amended by Laws 1993, c. 322, § 11, emerg. eff. June 7, 1993; Laws 1995, c. 81, § 4, eff. July 1, 1995; Laws 1998, c. 198, § 6, eff. Nov. 1, 1998.

§29-3-306.1. Repealed by Laws 1989, c. 249, § 48, eff. Jan. 1, 1989.

§29-3-307. Worker's compensation insurance.

The Commission is hereby empowered and authorized to provide worker's compensation insurance for the Director and all Department employees.

Laws 1974, c. 17, § 3-307, emerg. eff. April 8, 1974.

§29-3-308. Rewards.

The Department may offer and pay a standing reward in any amount not to exceed the sum of Five Hundred Dollars (\$500.00) for the capture and conviction, or for evidence leading to the capture and conviction, of any person violating any of the wildlife conservation laws of this state.

Laws 1974, c. 17, § 3-308, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 67, eff. Sept. 1, 1991.

§29-3-309. Retention of firearm by warden upon retirement.

In addition to any of the other benefits provided under the laws relating to the retirement and pension fund of the Department of

Wildlife Conservation, a retired game warden shall be entitled to receive upon retirement, by reason of disability or after twenty (20) years' service, the continued custody and possession of the sidearm carried by such member immediately prior to retirement, upon his request.

Laws 1974, c. 17, § 3-309, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 18, eff. Sept. 1, 1991.

§29-3-310. Wildlife Diversity Program - Wildlife Diversity Fund.

A. The Oklahoma Tax Commission shall include on each state individual income tax return form for tax years beginning after December 31, 2001, and each state corporate tax return form for tax years beginning after December 31, 2001, an opportunity for the taxpayer to donate from a tax refund for the benefit of the Oklahoma Wildlife Diversity Program.

B. For purposes of this section, "nongame wildlife" means any species of wildlife not legally classified as a game species or furbearer by statute or by rule adopted pursuant to statute.

C. Except as otherwise provided for in this section, all monies generated pursuant to subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Wildlife Diversity Fund.

D. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife Diversity Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received under the provisions of subsection C of this section by the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission is hereby authorized to invest all or part of the monies of said fund in any investment permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such investments shall be deposited in the Wildlife Diversity Fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purpose of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this section shall be deemed to be for the purpose of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

E. If a taxpayer makes a donation pursuant to subsection A of this section in error, such taxpayer may file a claim for refund at any time within three (3) years from the due date of the tax return. Such claims shall be filed pursuant to the provisions of Section 2373 of Title 68 of the Oklahoma Statutes and, if allowed, shall be paid pursuant to the provisions of said section. Prior to the apportionment set forth in subsection C of this section, an amount equal to the total amount of refunds made pursuant to this subsection during any one (1) year shall be deducted from the total donations received pursuant to this section during the following year and such amount deducted shall be paid to the State Treasurer and placed to the credit of the Income Tax Withholding Refund Account.

F. Pursuant to Section 2368.18 of Title 68 of the Oklahoma Statutes, the income tax checkoff contained in this section is hereby reauthorized effective January 1, 2018.

Added by Laws 1981, c. 205, § 1. Amended by Laws 1986, c. 23, § 1, eff. Nov. 1, 1986; Laws 1990, c. 64, § 1, eff. Sept. 1, 1990; Laws 1996, c. 167, § 1, eff. Nov. 1, 1996; Laws 1998, c. 216, § 2, eff. July 1, 1998; Laws 2001, c. 358, § 24, eff. July 1, 2001; Laws 2012, c. 304, § 118; Laws 2017, c. 277, § 1, eff. Nov. 1, 2017.

§29-3-311. Wildlife Diversity Program - Review of utilization of funds.

It is the intent of the Legislature to review the performance of the Oklahoma Wildlife Conservation Commission and the Department of Wildlife Conservation in the utilization of the monies received pursuant to the provisions of Section 3-310 of this title.

Added by Laws 1986, c. 23, § 2, eff. Nov. 1, 1986. Amended by Laws 1996, c. 167, § 2, eff. Nov. 1, 1996; Laws 2007, c. 44, § 2, emerg. eff. April 24, 2007.

§29-3-312. Wildlife habitat development program - Contracts with private landowners - Liability.

A. In order to encourage wildlife habitat conservation on private lands, the Department of Wildlife Conservation shall establish a program for wildlife habitat maintenance, enhancement, development, preservation, restoration, and management on private lands. To implement the program, the Department shall enter into multiyear contracts for approved projects on privately owned lands detailing the landowners' responsibilities.

B. The Department shall promulgate rules pursuant to the Administrative Procedures Act to implement the program. Such rules may provide for incentives to participate in the program.

C. Nothing in this section or in the contract executed pursuant to subsection A of this section shall be interpreted or construed to constitute a financial or general obligation of the state. No state revenue shall be used to guarantee or pay for any damages to property

or injury to persons as a result of the provisions of this section or the contract.

D. 1. Any landowner contracting with the Department pursuant to the provisions of this section:

- a. except as otherwise provided by this subsection, owes no duty of care to keep the premises safe for entry or use by others for any recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes,
- b. who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes, does not thereby:
 - (1) extend any assurance that the premises are safe for any purpose,
 - (2) confer upon such person the legal status of an invitee or licensee,
 - (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

2. Nothing in this section limits in any way any liability which otherwise exists for:

- a. willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity,
- b. injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof.

Added by Laws 1994, c. 171, § 1, emerg. eff. May 9, 1994. Amended by Laws 2003, c. 111, § 1, emerg. eff. April 21, 2003.

§29-3-313. Law Enforcement Officer Training Account.

There is hereby created within the Wildlife Conservation Fund an account designated as the "Law Enforcement Officer Training Account". The account shall consist of monies designated for deposit to the account by law. All monies accruing to the credit of said account shall be budgeted and expended by the Department of Wildlife Conservation for the training of law enforcement officers employed by the Department. Expenditures from the account shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1994, c. 318, § 2, emerg. eff. June 8, 1994. Amended by Laws 2012, c. 304, § 119.

§29-3-314. Advertising.

The Department of Wildlife Conservation may sell advertising in any Oklahoma Wildlife Conservation Commission-approved publication,

media production or other informational material produced by the Department. The Oklahoma Wildlife Conservation Commission shall promulgate rules establishing criteria for accepting or using advertisements as authorized in this section.

Added by Laws 1996, c. 242, § 1, emerg. eff. May 28, 1996.

§29-3-315. Fish or game animal food charitable distribution program.

A. The Department of Wildlife Conservation may administer, either directly or through contract with nonprofit or charitable organizations, a program or programs for the distribution of lawfully harvested fish or game animals, or the meat from such fish or game animals, to charitable organizations or nonprofit corporations to be used as food for human consumption. This section shall not prohibit individual transfer, donation or distribution of lawfully harvested fish or game animals which is otherwise authorized by law.

B. The Department or any employee or agent of the Department shall not be liable for damages in any civil suit or subject to criminal prosecution for any injury resulting from the nature, age, condition, or packaging of food distributed as provided for in this section, unless the injury or death is a direct result of the gross negligence, recklessness, or intentional misconduct of the Department or employee or agent of the Department.

Added by Laws 2002, c. 108, § 1, emerg. eff. April 19, 2002.

§29-4-101. License usage - Application - Termination and revocation - Duplication - Check-in of certain wildlife carcasses - Violation and penalty.

A. All licenses and permits issued by the Director of Wildlife Conservation, the Department of Wildlife Conservation or by any of its agents shall be used only in conformity with the provisions of this title and the rules promulgated by the Oklahoma Wildlife Conservation Commission.

B. All persons making application for any licenses required by this section shall produce a valid license to operate a motor vehicle or other positive proof of identification, age and residency, and any such license issued shall show such data as well as the date and time of issuance.

C. All licenses are nontransferable. No person shall alter, change, lend or transfer any license. No person shall use or borrow a license which has not been issued to that person by the Director, the Department or by any of its agents pursuant to the provisions of this section.

D. No person may engage in activities requiring a license without that person's carrying such license on their person and producing the same for an inspection upon the demand of any Oklahoma citizen or game warden.

E. Any person required to produce a license must also identify themselves as the person to whom such license was issued, and failure or refusal to comply shall be deemed prima facie evidence of a violation of this section.

F. Unless otherwise provided in this Code:

1. Hunting licenses issued pursuant to paragraph 1 of subsection C and paragraphs 1 and 3 of subsection E of Section 4-112 of this title and paragraphs 1 and 3 of subsection B of Section 4-113 of this title shall expire on December 31 of the year issued. Hunting licenses issued pursuant to paragraph 2 of subsection C and paragraphs 2 and 4 of subsection E of Section 4-112 of this title and paragraphs 2 and 4 of subsection B of Section 4-113 of this title shall expire on June 30 of the fiscal year issued. All other licenses shall terminate December 31 for the year issued; and

2. Any person convicted of violating any of the provisions of this title may have any or all licenses held by that person or the privilege of applying for, purchasing or exercising the benefits conferred by the licenses revoked by the Department in accordance with rules promulgated by the Commission or by a court of competent jurisdiction for a period of not less than one (1) year. For purposes of this paragraph, a court conviction, a plea of guilty, a plea of nolo contendere, the imposition of a deferred or suspended sentence by a court, or forfeiture of bond shall be deemed a conviction.

G. Should any license or permit issued pursuant to Part 1 of Article IV of this title be lost or destroyed, duplicates will be issued by the Department at a fee of One Dollar and fifty cents (\$1.50).

H. Upon harvesting any whitetail or mule deer, or any other wildlife where the hunter, according to Commission rules, is required to check the wildlife in at a Department check station, the taker of the wildlife shall:

1. Securely attach the name of the taker, time of harvest, date of harvest and license number to the carcass of the wildlife;

2. Check in the carcass of the wildlife electronically using the online check station provided on the official website of the Oklahoma Department of Wildlife Conservation or as prescribed by rule of the Commission, within twenty-four (24) hours of leaving the hunt area and in all cases prior to processing the carcass; and

3. Not remove evidence of the sex of the animal until after the carcass of the animal has been checked in.

I. It shall be unlawful for any license or permit holder to knowingly make a false statement or give false information to any authorized hunter check station or to an authorized Department employee when complying with the provisions of subsection H of this section. Information which may be collected at a Department check station shall include but not be limited to the name, address,

license or permit number and signature of the taker, the date, time, county, method or weapon of the kill, sex and weight of carcass, whether or not the animal was taken on public hunting land and if so in what area, or any other information which may be required by the Commission.

J. 1. Any person convicted of violating the provisions of this section or of making a false statement or giving any false information in order to acquire any license or permit, pursuant to the provisions of this section, shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of the provisions of this section or of making a false statement or giving any false information in order to acquire any license or permit, pursuant to the provisions of this section, shall be punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or by imprisonment in the county jail for a period not to exceed ten (10) days, or by both such fine and imprisonment.

2. Any hunting or fishing license issued to a person by the Department of Wildlife Conservation shall be automatically revoked upon conviction of the person of violating the provisions of this section. The revocation shall be for a period set by the court of not less than one (1) year nor more than ten (10) years. If the court does not set a period, the revocation shall be for one (1) year from the date of the conviction. During this period of revocation, the Department shall not issue the person a hunting or fishing license. If the court does not set a revocation period, the Department shall not issue that person a license within one (1) year of the conviction of the person pursuant to this section. A person who has a license or permit revoked pursuant to this section shall surrender the revoked license or permit to the court. The court shall send the Department of Wildlife Conservation the revoked license and a copy of the judgment of conviction. For purposes of this section, "conviction" shall include a plea of guilty or nolo contendere to an offense or the imposition of deferred adjudication for an offense.

K. Any person who has had their license privileges revoked shall not be entitled to purchase, apply for, or exercise the benefits conferred by any license until the revocation period has expired or the person has obtained approval from the Director. Any person violating the provisions of this subsection, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in a county jail for a term of not more than ninety (90) days or by both the fine and imprisonment. Upon

conviction under this subsection, the previously granted license revocation period shall be extended by two (2) additional years. Added by Laws 1974, c. 17, § 4-101, emerg. eff. April 8, 1974. Amended by Laws 1977, c. 44, § 1; Laws 1991, c. 182, § 19, eff. Sept. 1, 1991; Laws 1998, c. 213, § 1, eff. July 1, 1998; Laws 2005, c. 214, § 1, eff. July 1, 2005; Laws 2007, c. 44, § 3, emerg. eff. April 24, 2007; Laws 2010, c. 317, § 2, eff. Jan. 1, 2011; Laws 2013, c. 341, § 1, eff. Nov. 1, 2013.

§29-4-102. Repealed by Laws 2002, c. 295, § 8, eff. Nov. 1, 2002.

§29-4-103. Commercial fishing license.

A. No person may take for commercial purposes, by the use of nets, traps, seines and other similar devices, nongame fish from the waters of this state without having first procured a license for such from the Director.

B. Prior to the issuance of each license, the applicant must file with the Director:

1. A true inventory of the equipment to be utilized in the operations of that fisherman;

2. Under special management or research conditions, the Commission may require a good and sufficient surety bond to the Department, by a surety company licensed to do business in this state, in the sum of One Thousand Dollars (\$1,000.00) conditioned upon the observance and the compliance with the provisions of this section and Sections 6-201 and 6-202 of this Code, which bond shall be subject to forfeiture upon the conviction of the violation of any of the provisions of this Code, as provided in paragraph 2, subsection F of Section 4-101 of this Code.

C. The fee for a license under this section shall be Seventy-five Dollars (\$75.00) for residents and Two Hundred Dollars (\$200.00) for nonresidents of the State of Oklahoma.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

E. Commercial fishermen whose licenses have been revoked under subsection F of Section 4-101 of this Code may not engage in commercial fishing operations in any manner during such revocation.

Added by Laws 1974, c. 17, § 4-103, emerg. eff. April 8, 1974. Amended by Laws 1985, c. 91, § 2, eff. Jan. 1, 1986; Laws 1994, c. 318, § 3, emerg. eff. June 8, 1994.

§29-4-103A. Commercial turtle harvester license.

A. Except as otherwise provided by subsection B of this section, no person may take for commercial purposes, by the use of nets,

traps, seines and other similar devices, turtles from this state without having first procured a commercial turtle harvester license from the Director.

B. Any person having procured a commercial turtle harvester license, pursuant to subsection A of this section, may take for commercial purposes by any means, or assist in any such operations, turtles or aquatic turtles from any waters of this state, except from waters located within a city, town or municipality, and such areas designated pursuant to Section 1452 of Title 82 of the Oklahoma Statutes.

C. Prior to the issuance of each license, the applicant must file with the Director a true inventory of the equipment to be utilized in the operations of that turtle harvester. Such inventory shall be kept current. The inventory may be amended by filing a new inventory at any time.

D. The fee for a license under this section shall be Forty Dollars (\$40.00) for residents and Two Hundred Dollars (\$200.00) for nonresidents of the State of Oklahoma.

E. The Director shall not issue a commercial turtle harvester license to residents of any other state which does not allow residents of Oklahoma the opportunity to purchase such license in their state.

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

G. Commercial turtle harvesters whose licenses have been revoked under subsection F of Section 4-101 of this title shall not engage in commercial turtle harvesting operations in any manner during such revocation.

Added by Laws 1994, c. 318, § 4, emerg. eff. June 8, 1994. Amended by Laws 1996, c. 242, § 2, emerg. eff. May 28, 1996.

§29-4-103B. Commercial turtle buyer's license.

A. No person may buy, transport out of state or export aquatic turtles from this state without having first procured a commercial turtle buyer's license from the Director.

B. The fee for an annual license under this section shall be Two Hundred Dollars (\$200.00) for residents and Five Hundred Dollars (\$500.00) for nonresidents. Prior to the issuance of such license the applicant shall file with the Department a good and sufficient surety bond by a surety company licensed to do business in this state in the sum of One Thousand Dollars (\$1,000.00) conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code, which bond will be forfeited to the Department upon conviction for the violation of any provision of this

section, or Section 4-101 or 5-602 of this title or any rule of the Oklahoma Wildlife Conservation Commission.

C. The Director shall not issue a commercial turtle buyer's license to residents of any other state which does not allow residents of Oklahoma the opportunity to purchase such license in their state.

D. Any person who buys or exports aquatic turtles from this state shall pay the Department as a severance fee an amount equal to three percent (3%) of the dollar value of turtles purchased or received from licensed commercial turtle harvesters. The payment shall be computed from the purchase records completed and maintained by the licensee for each and every purchase made. Such purchase records along with the fee and an accurate report of all turtles exported from this state for each month shall be submitted to the Department by the fifteenth day of the following month. The Wildlife Commission shall issue such rules and reporting requirements governing the purchases and exports and shall design all forms necessary for the operation of these provisions.

E. Any person convicted of violating any provision of this section shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed thirty (30) days, or by both fine and imprisonment. In addition, such person shall forfeit his license and not be permitted to renew the license for a one-year period.

Added by Laws 1994, c. 318, § 5, emerg. eff. June 8, 1994. Amended by Laws 1996, c. 242, § 3, emerg. eff. May 28, 1996.

§29-4-104. Commercial fishing helper's license.

A. No person may employ any helper or assistant in any commercial fishing operation without having first procured from the Director a license for each such person.

B. Such license shall be in the form of a John Doe license and will be valid for the helper or assistant only so long as the helper or assistant works in the presence of the commercial fisherman.

C. The fee for a license under this section shall be Fifty Dollars (\$50.00).

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 4-104, emerg. eff. April 8, 1974.

§29-4-104A. Commercial turtle harvesting helper's license.

A. No person may assist in any commercial turtle harvesting operation without having first procured from the Director a license for each such person.

B. Such license shall be in the form of a John Doe license and will be valid for the helper or assistant only so long as the helper or assistant works under the supervision of a commercial turtle harvester who shall be legally responsible for the actions of such helper or assistant.

C. The fee for a license under this section shall be Forty Dollars (\$40.00).

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1994, c. 318, § 6, emerg. eff. June 8, 1994.

§29-4-105. Commercial fisherman's permit to sell out of state.

A. No person may transport or sell nongame fish outside the state without having first procured a commercial fishing license under Section 4-103 of this Code, and without also having first procured from the Director a special permit for transporting or selling such fish.

B. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 4-105, emerg. eff. April 8, 1974.

§29-4-106. Commercial hunting area licenses - Big game or upland game.

A. No person may propagate or hold in captivity any wildlife or domesticated animals hunted for sport for commercial hunting area purposes without having procured a license from the Director of the Department of Wildlife Conservation. Licenses shall be classified as big game, upland game, or a combination of big game and upland game.

1. A big game license shall be required for legally acquired exotic ungulates, domesticated animals so designated by the Oklahoma Wildlife Conservation Commission, exotic swine, and legally acquired whitetail and mule deer, turkey and other species of big game lawfully taken under the provisions of subsection A of Section 5-411 and Section 5-401 of this title. Wildlife that has been crossbred with exotic wildlife shall be considered native and not exotic unless documentation shows otherwise.

2. An upland game license shall be required for legally acquired captive-raised pheasants, all species of quail, Indian chukars, water

fowl, and other similar or suitable gallinaceous birds; and shall include turkey if no other big game species are listed on the license/application.

B. Before obtaining a license or a renewal of a license the applicant shall submit proof that such wildlife or domesticated animals hunted for sport will be or have been secured from a source other than the wild stock in this state. Any person obtaining or renewing a license shall submit a true and complete inventory of said animals before a license shall be approved. Each license shall specifically list the different species and/or subspecies to be hunted on the listed hunting area or premises.

C. Any game warden of the Oklahoma Department of Wildlife Conservation shall have authority to inspect any and all records and invoices pertaining to the commercial hunting operations of any person licensed or requesting licensure pursuant to this section and additionally shall have the authority to inspect any and all facilities, equipment and property connected to the hunting operation of any person licensed or requesting licensure pursuant to this section.

D. 1. The annual fee for a commercial hunting area license for upland game under this section shall be One Hundred Dollars (\$100.00).

2. The annual fee for a commercial hunting area license for:
- a. big game pursuant to this section shall be Two Hundred Fifty Dollars (\$250.00), or
 - b. a combination of big game and upland game pursuant to this section shall be Three Hundred Fifty Dollars (\$350.00).

E. All licenses issued pursuant to this section shall expire on June 30 of each year.

F. Exemptions from this license requirement shall be operators of running pens used for the performance test or training of dogs. Operators of such running pens may acquire coyotes from wild stock without having to possess a fur dealer's license for such purpose and no license shall be required of those involved in performance testing or training dogs in such running pens so long as no other wildlife are taken or hunted in any manner.

G. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

H. Any person convicted of violating the provisions of this section shall have the commercial hunting area license revoked. No new license shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

I. The Department is authorized to promulgate rules pertaining to commercial hunting areas.

Added by Laws 1974, c. 17, § 4-106, emerg. eff. April 8, 1974.
Amended by Laws 1976, c. 132, § 1, emerg. eff. May 24, 1976; Laws 1990, c. 17, § 1, emerg. eff. March 28, 1990; Laws 1991, c. 182, § 20, eff. Sept. 1, 1991; Laws 1992, c. 402, § 3, eff. Dec. 1, 1992; Laws 2003, c. 94, § 1, eff. July 1, 2003; Laws 2006, c. 138, § 13, eff. Nov. 1, 2006; Laws 2008, c. 63, § 1, eff. July 1, 2008; Laws 2017, c. 353, § 2, eff. Nov. 1, 2017.

§29-4-107. Commercial wildlife breeder's license - Nonresident cat/bear temporary exhibitor's permit - Penalties.

A. Except as otherwise provided for in this title or in the Oklahoma Farmed Cervidae Act, no person may breed, possess or raise native wildlife, except fish, amphibians, aquatic reptiles, aquatic invertebrates or exotic livestock, for commercial purposes without first obtaining a commercial wildlife breeder's license from the Director.

B. No person licensed under this section with a commercial wildlife breeder's license may sell native cats or bears specified in subsection E of this section to any person who does not possess a commercial wildlife breeder's license.

C. A commercial wildlife breeder's license may be issued to any person whom the Director believes to be acting in good faith, and whom the Director believes does not intend to use the license for the purpose of violating any of the laws of the State of Oklahoma, and who proves that the brood stock to be used will be obtained in a lawful manner.

D. The fee for a commercial wildlife breeder's license issued under this section, and all renewals of the license, shall be Forty-eight Dollars (\$48.00). All commercial wildlife breeder's licenses issued pursuant to this section shall expire on June 30 of each year.

E. Any person who keeps or maintains any native bear or native cat that will grow to reach the weight of fifty (50) pounds or more shall be licensed under this section with a commercial wildlife breeder's license. Any person licensed pursuant to this subsection shall at all times keep such wildlife confined to the premises described in the commercial wildlife breeder application, and controlled and restrained in a manner so the life, limb or property of any person lawfully entering the premises shall not be endangered. Any person licensed to possess native cats or bears pursuant to this subsection shall control and restrain the wildlife so that there is no direct contact between the public and the wildlife, and the public shall not be allowed to enter into any enclosures occupied by the wildlife.

F. 1. Any person who is a nonresident or entity not permanently located within the state which exhibits native cats or native bears

that will grow to reach the weight of fifty (50) pounds or more in this state on a temporary basis shall be required to obtain from the Director a nonresident cat or bear temporary exhibitor's permit. Any person with a permit issued pursuant to this paragraph shall be exempt from acquiring a commercial wildlife breeder's license issued under this section and shall be exempt from the requirements set forth in subsection E of this section. The fee for a nonresident cat or bear temporary exhibitor's permit shall be One Hundred Dollars (\$100.00) and shall be valid for thirty (30) days. To obtain a nonresident cat or bear temporary exhibitor's permit, the person shall be required to hold a valid exhibitor's license issued by the United States Department of Agriculture.

2. Any resident of the state who has a commercial wildlife breeder's license issued pursuant to this section who wishes to exhibit native cats or native bears that will grow to reach the weight of fifty (50) pounds or more at the permanent facility described in the commercial wildlife breeder's license or at a temporary facility shall be required to obtain from the Director a resident cat or bear exhibitor's permit. Any person with a permit issued pursuant to this paragraph shall be required to also have a commercial wildlife breeder's license issued under this section and shall comply with the requirements set forth in subsection E of this section when not exhibiting the wildlife. The fee for a resident cat or bear exhibitor's permit shall be Fifty Dollars (\$50.00) and shall be valid for one (1) year. To obtain a resident cat or bear exhibitor's permit the person shall be required to hold a valid exhibitor's license issued by the United States Department of Agriculture.

3. Any person with a permit to exhibit native cats or bears pursuant to paragraph 1 or 2 of this subsection shall at all times keep the wildlife controlled and restrained in a manner so the life, limb, or property of any person lawfully entering the premises where the wildlife is being exhibited shall not be endangered by the wildlife. Any person with a permit to exhibit native cats or bears pursuant to paragraph 1 or 2 of this subsection shall control and handle the wildlife so there is no direct contact between the public and the wildlife, and the public shall not be allowed to enter into any enclosures occupied by the wildlife. Any native cat or bear and any facility covered under a permit issued pursuant to paragraph 1 or 2 of this subsection shall be available for inspection at all reasonable times by authorized representatives of the Department.

G. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and, if applicable, shall have the wildlife license of the person revoked. No person whose license has been revoked shall be eligible to obtain a new license until after the date on which the revoked license would have expired.

Added by Laws 1974, c. 17, § 4-107, emerg. eff. April 8, 1974.
Amended by Laws 1985, c. 91, § 3, eff. Jan. 1, 1986; Laws 1987, c. 112, § 1, eff. Nov. 1, 1987; Laws 1991, c. 182, § 21, eff. Sept. 1, 1991; Laws 1992, c. 402, § 4, eff. Dec. 1, 1992; Laws 1994, c. 151, § 1, eff. Sept. 1, 1994; Laws 1996, c. 7, § 5, emerg. eff. March 19, 1996; Laws 2003, c. 188, § 2, eff. July 1, 2003; Laws 2004, c. 376, § 1, emerg. eff. June 3, 2004; Laws 2006, c. 138, § 14, eff. Nov. 1, 2006.

NOTE: Laws 2003, c. 94, § 2 repealed by Laws 2004, c. 376, § 2, emerg. eff. June 3, 2004.

§29-4-107.1. Circuses - Application of act.

The provisions of this act shall not be construed to apply to circuses.

Added by Laws 2003, c. 188, § 5, eff. July 1, 2003.

§29-4-107.2. See the following versions:

OS 29-4-107.2v1 (HB 1920, Laws 2013, c. 149, § 1).

OS 29-4-107.2v2 (HB 2952, Laws 2018, c. 77, § 1).

§29-4-107.2v1. Permit - Management of depredating animals by use of aircraft - Violations.

A. The Oklahoma Department of Agriculture, Food, and Forestry is authorized to issue a permit to a person who holds a big game commercial hunting area license issued pursuant to Section 4-106 of this title, to any landowner or to any person who has contracted with a landowner to manage depredating animals to engage in the management of depredating animals by use of aircraft only on land listed in the commercial hunting area license for a person who holds a big game commercial hunting area license or only on land owned by the landowner. The permit may be issued without limitation by statewide season regulations or bag limits. The permit shall be carried in the aircraft when performing management by the use of aircraft.

B. A pilot of an aircraft used for the management of depredating animals shall maintain a daily flight log and report. The daily flight log shall be current and available for inspection by employees of the Department at reasonable times. Each permit holder and pilot shall comply with all Federal Aviation Regulations for the specific type of aircraft.

C. Applications for a permit shall be submitted to the Department and shall contain all information as required by the Department. The Department may issue a permit if it finds that it will aid in the management of depredating animals. The Department may deny the permit if it finds that it will have a deleterious effect on indigenous species. The permit shall include, but is not limited to, the following information:

1. The name and address of each authorized person;

2. A description of the animals and number of animals authorized to be taken;

3. A description of the area from which the animals are authorized to be taken; and

4. The issue and expiration date of the permit.

D. A permit to manage depredating animals issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance. Permits may be renewed by filing an application for renewal with the Department.

E. The annual fee for a permit to manage depredating animals issued pursuant to this section shall be Two Hundred Dollars (\$200.00).

F. Not less than twenty-four (24) hours prior to managing depredating animals by use of an aircraft, a permit holder shall notify the Department of the date, time, and area on which management will occur. Notification may be made by telephone, fax, or electronic means, as determined by the Department.

G. The holder of a permit to manage depredating animals issued pursuant to this section shall file with the Department within thirty (30) days following the end of each calendar quarter or on termination of the permit, whichever occurs first, a report on a form prescribed by the Department showing:

1. The name, address, and permit number of the permit holder;

2. The name and address of the pilot and any other person participating in the flights;

3. The number and description of the depredating animals managed under the permit;

4. The types of depredating animals authorized to be managed under the permit;

5. Dates and times of authorized flights; and

6. Any other information required by the Department.

H. It shall be unlawful for a person issued a permit to manage depredating animals pursuant to this section to:

1. Hunt, shoot, shoot at, kill, or attempt to kill from an aircraft any wildlife, domesticated animal, or livestock other than the depredating animals authorized by the permit;

2. Intentionally disturb, haze, or buzz any wildlife, domesticated animal, or livestock by the use of an aircraft other than the depredating animals authorized by the permit; or

3. Take or attempt to take any depredating animal for any purpose other than is necessary for the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

I. During designated deer hunting seasons as specified in rules promulgated by the Department of Wildlife Conservation, it shall be unlawful to take or attempt to take depredating animals without first obtaining a special permit from the local game warden or other authorized employee of the Department of Wildlife Conservation.

J. 1. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Any person convicted of violating the provisions of this section shall have the permit issued pursuant to this section revoked. No new permit shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

2. In addition to the criminal penalties specified by this section, the Department may:

- a. assess an administrative penalty of not more than Ten Thousand Dollars (\$10,000.00) per day of noncompliance, or
- b. bring an action for injunctive relief granted by a district court.

3. A district court may grant injunctive relief to prevent a violation of, or to compel compliance with, any of the provisions of this section or any rule promulgated pursuant to this section, or order, license or permit issued pursuant to this section.

4. Nothing in this section shall preclude the Department from seeking penalties in district court in the maximum amount allowed by law.

5. Any person assessed an administrative penalty may be required to pay, in addition to the penalty amount and interest, attorney fees and costs associated with the collection of the penalties.

6. The Department or the district attorney of the appropriate district of Oklahoma may bring an action in district court for the criminal prosecution of a violation by any person of a provision of this section or any rule promulgated pursuant to this section, or order, license or permit issued pursuant to this section. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum criminal penalties for violations of this section.

K. Any person convicted of violating the provisions of Section 4-106 of this title shall have the permit issued pursuant to this section revoked. No new permit shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

L. As used in this section:

1. "Depredating animal" means feral hogs, coyotes, and crossbreeds between coyotes and dogs;
2. "Management by the use of aircraft" means to manage depredating animals by counting, photographing, relocating, capturing, or hunting by the use of aircraft; and
3. "Aircraft" means non-fixed-wing aircraft.

Added by Laws 2009, c. 154, § 1, eff. Nov. 1, 2009. Amended by Laws 2013, c. 149, § 1, eff. Nov. 1, 2013.

§29-4-107.2v2. Permit - Management of depredating animals by use of aircraft - Violations.

A. The Oklahoma Department of Agriculture, Food, and Forestry is authorized to issue a permit to a person to engage in the management of depredating animals by use of aircraft. The permit may be issued without limitation by statewide season regulations or bag limits.

B. The permit holder may contract with and authorize other persons to engage in the management of depredating animals by use of an aircraft, provided that the permit holder accompanies the authorized person while engaging in the activity and, if engaging in the activity on private property, the authorized person has consent of the landowner. Any person contracting with or authorized by a permit holder pursuant to this subsection shall not be required to have a permit to engage in the management of depredating animals by use of aircraft. If contracting or authorizing other persons to engage in the management of depredating animals by use of an aircraft, the permit holder shall inform the person of the importance of safely keeping his or her aim and fire beneath the horizon. The permit holder shall have the authorized person sign a disclosure stating that the person is aware of the dangers of aiming and shooting over the horizon. The permit holder shall retain a copy of the disclosure for a reasonable period of time. Personnel of the Department of Defense and law enforcement shall not be required to sign a disclosure.

C. A pilot of an aircraft used for the management of depredating animals shall maintain a daily flight log and report. The daily flight log shall be current and available for inspection by employees of the Department at reasonable times. The permit shall be carried in the aircraft when performing management by the use of aircraft. Each permit holder, authorized person pursuant to subsection B of this section and pilot shall comply with all Federal Aviation Regulations for the specific type of aircraft. The Department shall not require the pilot to hold a specific type of pilot's license. The Department shall also not require the permit holder or pilot to carry liability insurance.

Applications for a permit shall be submitted to the Department and shall contain all information as required by the Department. The Department may issue a permit if it finds that it will aid in the management of depredating animals. The Department may deny the permit if it finds that it will have a deleterious effect on indigenous species. The Department shall not require the names of the persons authorized by or contracting with the permit holder pursuant to subsection B of this section. The permit shall include, but is not limited to, the following information:

1. The name and address of the permit holder;
2. A description of the animals to be taken;
3. A description of the area from which the animals are authorized to be taken; and
4. The issue and expiration date of the permit.

D. A permit to manage depredating animals issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance. Permits may be renewed by filing an application for renewal with the Department.

E. The annual fee for a permit to manage depredating animals issued pursuant to this section shall be Two Hundred Dollars (\$200.00).

F. Not less than twenty-four (24) hours prior to managing depredating animals by use of an aircraft, a permit holder shall notify the Department of the date, time, and area on which management will occur. Notification may be made by telephone, fax, or electronic means, as determined by the Department.

G. The holder of a permit to manage depredating animals issued pursuant to this section shall file with the Department within thirty (30) days following the end of each calendar quarter or on termination of the permit, whichever occurs first, a report on a form prescribed by the Department showing:

1. The name, address, and permit number of the permit holder;
2. The name and address of the pilot participating in the flights;
3. The number and description of the depredating animals managed under the permit;
4. The types of depredating animals authorized to be managed under the permit;
5. Dates and times of authorized flights; and
6. Any other information required by the Department.

H. It shall be unlawful for a person issued a permit to manage depredating animals pursuant to this section or a person authorized by or contracting with the permit holder pursuant to subsection B of this section to:

1. Hunt, shoot, shoot at, kill, or attempt to kill from an aircraft any wildlife, domesticated animal, or livestock other than the depredating animals authorized by the permit;
2. Intentionally disturb, haze, or buzz any wildlife, domesticated animal, or livestock by the use of an aircraft other than the depredating animals authorized by the permit; or
3. Take or attempt to take any depredating animal for any purpose other than is necessary for the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

I. During designated deer hunting seasons from the dates of October 1 through January 15 as specified in rules promulgated by the Department of Wildlife Conservation, it shall be unlawful to take or

attempt to take depredating animals without first obtaining a special permit from the local game warden or other authorized employee of the Department of Wildlife Conservation.

J. 1. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Any person convicted of violating the provisions of this section shall have the permit issued pursuant to this section revoked. No new permit shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

2. In addition to the criminal penalties specified by this section, the Department may:

- a. assess an administrative penalty of not more than Ten Thousand Dollars (\$10,000.00) per day of noncompliance, or
- b. bring an action for injunctive relief granted by a district court.

3. A district court may grant injunctive relief to prevent a violation of, or to compel compliance with, any of the provisions of this section or any rule promulgated pursuant to this section, or order, license or permit issued pursuant to this section.

4. Nothing in this section shall preclude the Department from seeking penalties in district court in the maximum amount allowed by law.

5. Any person assessed an administrative penalty may be required to pay, in addition to the penalty amount and interest, attorney fees and costs associated with the collection of the penalties.

6. The Department or the district attorney of the appropriate district of Oklahoma may bring an action in district court for the criminal prosecution of a violation by any person of a provision of this section or any rule promulgated pursuant to this section, or order, license or permit issued pursuant to this section. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum criminal penalties for violations of this section.

K. Any person convicted of violating the provisions of Section 4-106 of this title shall have the permit issued pursuant to this section revoked. No new permit shall be issued for a period of six (6) months from and after the date on which the revocation order becomes effective.

L. As used in this section:

1. "Depredating animal" means feral hogs, coyotes, and crossbreeds between coyotes and dogs;

2. "Management by the use of aircraft" means to manage depredating animals by counting, photographing, relocating, capturing, or hunting with any firearm by the use of aircraft; and

3. "Aircraft" means manned fixed-wing and non-fixed-wing aircraft registered with the Federal Aviation Administration (FAA). Added by Laws 2009, c. 154, § 1, eff. Nov. 1, 2009. Amended by Laws 2013, c. 262, § 1, eff. Nov. 1, 2013; Laws 2017, c. 264, § 1, emerg. eff. May 15, 2017; Laws 2018, c. 77, § 1, eff. Nov. 1, 2018.

§29-4-108. Falconer's license.

A. No person may use hawks, falcons, owls, eagles or any other raptor to hunt, chase or take game without having first procured a falconer's license.

B. All falconers shall have an Oklahoma falconer's license or equivalent license from another state and an Oklahoma hunting license unless legally exempt.

C. The fee for a falconer's license issued by the Director of Wildlife Conservation pursuant to this section shall be Forty-five Dollars (\$45.00) for a resident and One Hundred Dollars (\$100.00) for a nonresident. A falconer's license shall be valid for a period of three (3) years from date of issuance.

D. In lieu of the provisions of subsection C of this section, the Department is authorized to issue a temporary falconer's license for nonresidents not to exceed ten (10) days. The fee for a temporary license shall be Twenty-five Dollars (\$25.00).

E. Any person with a falconer's license whose hunting raptor accidentally kills a wildlife that is out of season or of the wrong species or sex shall leave the dead wildlife where it lies, except that the raptor may feed upon the wildlife prior to leaving the site of the kill.

F. Any person convicted of violating any provision of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Added by Laws 1974, c. 17, § 4-108, emerg. eff. April 8, 1974. Amended by Laws 1985, c. 91, § 4, eff. Jan. 1, 1986; Laws 1991, c. 116, § 1, eff. Sept. 1, 1991; Laws 2009, c. 65, § 1, emerg. eff. April 20, 2009.

§29-4-108A. Falconry - Bonding rules and regulations.

The Department of Wildlife Conservation shall issue rules and regulations regarding discretionary bonding for holders of a falconer's license charged with any violation involving falconry or the use of raptors in the taking of wildlife. Said rules may provide that bond be posted in lieu of confiscation of raptors and allow licensee to retain raptors.

Laws 1991, c. 116, § 3, eff. Sept. 1, 1991.

§29-4-109. Shoot-to-kill field trial license.

A. No person may take, nor may any organization permit to be taken, during any field trial, any legally acquired domestically reared pheasant, coturnix quail, bobwhite quail, Indian chukars or other similar suitable birds, without that person having first procured a hunting license and without that person or organization having procured an annual license for a field trial from the Director.

B. Permits issued under this section shall be restricted to dog owners, trainers and bona fide dog clubs.

C. The fees for a license for any organization under this section shall be set by the Department in an amount of Five Dollars (\$5.00).

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).
Laws 1974, c. 17, § 4-109, emerg. eff. April 8, 1974; Laws 1978, H.J. Res. No. 1043, § 2.

§29-4-110. See the following versions:

OS 29-4-110v1 (SB 780, Laws 2013, c. 286, § 1, effective until Nov. 1, 2020).

OS 29-4-110v2 (HB 1198, Laws 2017, c. 229, § 2, eff. Nov. 1, 2020).

§29-4-110v1. Fishing licenses.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 29-4-110v2.

A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall fish, pursue, harass, 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 Conservation Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

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

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

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

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

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

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

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

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

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

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

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

11. Any legal resident or nonresident who is a Job Corps trainee of this state, provided that the trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present the card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

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

13. Any legal resident who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and

mine pits in the county in which the person is a resident, or in streams, natural lakes, natural ponds, and mine pits which form a part of the boundary line of the county in which the person is a resident, when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

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

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

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

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

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

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

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

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

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

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

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

G. Legal residents who have resided in this state for at least six (6) months and who are receiving Social Security Disability

benefits, Supplemental Security Income benefits, disability benefits under the Railroad Retirement Act, 45 U.S.C.A., Section 231a, postal employees receiving disability benefits pursuant to 5, U.S.C., Section 8451 (1998) or legal residents who are one hundred percent (100%) disabled and are receiving disability payments from the Multiple Injury Trust Fund pursuant to Section 403 of Title 85 of the Oklahoma Statutes, may purchase a disability fishing license from the Director for Ten Dollars (\$10.00) for five (5) years.

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

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

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

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

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

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

Added by Laws 1974, c. 17, § 4-110, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 238, § 1, eff. Jan. 1, 1976; Laws 1976, c. 25, § 1; Laws 1977, c. 45, § 1; Laws 1978, c. 186, § 1, eff. Oct. 1, 1978; Laws 1981, c. 195, § 1, eff. Jan. 1, 1982; Laws 1982, c. 154, §

1, eff. Jan. 1, 1983; Laws 1984, c. 62, § 1, emerg. eff. March 29, 1984; Laws 1984, c. 136, § 1, eff. Jan. 1, 1985; Laws 1985, c. 91, § 5, eff. Jan. 1, 1986; Laws 1986, c. 124, § 1, eff. Jan. 1, 1987; Laws 1987, c. 100, § 1, operative Jan. 1, 1988; Laws 1988, c. 120, § 1, eff. Jan. 1, 1989; Laws 1988, c. 283, § 21, operative July 1, 1988; Laws 1991, c. 182, § 22, eff. Sept. 1, 1991; Laws 1993, c. 141, § 1, eff. Sept. 1, 1993; Laws 1993, c. 214, § 3, eff. Sept. 1, 1993; Laws 1994, c. 372, § 1, eff. Jan. 1, 1995; Laws 1995, c. 1, § 9, emerg. eff. March 2, 1995; Laws 1995, c. 155, § 1, emerg. eff. May 2, 1995; Laws 1996, c. 167, § 3, eff. Nov. 1, 1996; Laws 1998, c. 212, § 1, eff. Nov. 1, 1998; Laws 1999, c. 65, § 1; Laws 2002, c. 70, § 1, emerg. eff. April 15, 2002; Laws 2003, c. 160, § 1, eff. July 1, 2003; Laws 2003, c. 287, § 2, eff. July 1, 2003; Laws 2005, c. 382, § 1, emerg. eff. June 6, 2005; Laws 2006, c. 16, § 10, emerg. eff. March 29, 2006; Laws 2009, c. 123, § 1, eff. July 1, 2009; Laws 2010, c. 317, § 3, eff. Jan. 1, 2011; Laws 2013, c. 286, § 1, eff. Nov. 1, 2013.

NOTE: Laws 1991, c. 108, § 1 and Laws 1991, c. 109, § 1 repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991. Laws 1994, c. 318, § 7 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2005, c. 214, § 2 repealed by Laws 2006, c. 16, § 11, emerg. eff. March 29, 2006.

§29-4-110v2. Fishing licenses.

THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 29-4-110v1.

A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall fish, pursue, harass, 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 Conservation Commission may designate two (2) days per year in which residents and nonresidents may fish without first procuring a fishing license pursuant to the provisions of this section.

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

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

2. Legal residents sixty-five (65) years of age or older and nonresidents sixty-five (65) years of age or older from states which do not require nonresident fishing licenses for persons sixty-five

(65) years of age or older, provided a legal resident has obtained a senior citizen lifetime fishing or combination hunting and fishing license pursuant to the provisions of Section 4-114 of this title;

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

4. Legal resident veterans having a disability of sixty percent (60%) or more and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received an exemption pursuant to this paragraph, no registration with the veterans registry shall be required. The Oklahoma Wildlife Conservation Commission shall promulgate any rules necessary to implement the provisions of this paragraph;

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

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

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

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

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

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

11. Any legal resident or nonresident who is a Job Corps trainee of this state, provided that the trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present the card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

12. Any legal resident having a proven disability which renders the resident nonambulatory and confined to a wheelchair as certified

by a physician licensed in this state or any state which borders this state;

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

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

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

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

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

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

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

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

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

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

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

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

Stamp and shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this title.

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

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

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

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

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

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

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

Added by Laws 1974, c. 17, § 4-110, emerg. eff. April 8, 1974.
Amended by Laws 1975, c. 238, § 1, eff. Jan. 1, 1976; Laws 1976, c. 25, § 1; Laws 1977, c. 45, § 1; Laws 1978, c. 186, § 1, eff. Oct. 1, 1978; Laws 1981, c. 195, § 1, eff. Jan. 1, 1982; Laws 1982, c. 154, § 1, eff. Jan. 1, 1983; Laws 1984, c. 62, § 1, emerg. eff. March 29, 1984; Laws 1984, c. 136, § 1, eff. Jan. 1, 1985; Laws 1985, c. 91, § 5, eff. Jan. 1, 1986; Laws 1986, c. 124, § 1, eff. Jan. 1, 1987; Laws 1987, c. 100, § 1, operative Jan. 1, 1988; Laws 1988, c. 120, § 1, eff. Jan. 1, 1989; Laws 1988, c. 283, § 21, operative July 1, 1988; Laws 1991, c. 182, § 22, eff. Sept. 1, 1991; Laws 1993, c. 141, § 1, eff. Sept. 1, 1993; Laws 1993, c. 214, § 3, eff. Sept. 1, 1993; Laws 1994, c. 372, § 1, eff. Jan. 1, 1995; Laws 1995, c. 1, § 9, emerg. eff. March 2, 1995; Laws 1995, c. 155, § 1, emerg. eff. May 2, 1995; Laws 1996, c. 167, § 3, eff. Nov. 1, 1996; Laws 1998, c. 212, § 1, eff. Nov. 1, 1998; Laws 1999, c. 65, § 1; Laws 2002, c. 70, § 1, emerg. eff. April 15, 2002; Laws 2003, c. 160, § 1, eff. July 1, 2003; Laws 2003, c. 287, § 2, eff. July 1, 2003; Laws 2005, c. 382, § 1, emerg. eff. June 6, 2005; Laws 2006, c. 16, § 10, emerg. eff. March 29, 2006; Laws 2009, c. 123, § 1, eff. July 1, 2009; Laws 2010, c. 317, § 3, eff. Jan. 1, 2011; Laws 2013, c. 286, § 1, eff. Nov. 1, 2013; Laws 2017, c. 229, § 2, eff. Nov. 1, 2020.
NOTE: Laws 1991, c. 108, § 1 and Laws 1991, c. 109, § 1 repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991. Laws 1994, c. 318, § 7 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2005, c. 214, § 2 repealed by Laws 2006, c. 16, § 11, emerg. eff. March 29, 2006.

§29-4-111. Fur dealer's license.

A. No person may buy, barter or deal in any fur or pelt of furbearers in this state without having first procured a license for such from the Director.

B. A nonresident fur dealer shall provide advance notice of each and every place where business is transacted. Notice shall be to the Director in the manner prescribed by the Commission.

It shall be illegal and punishable under the provisions of this section, for anyone not having a current fur dealer's license to sell, barter or deal in any fur or pelt of furbearers in this state for shipment of the fur or pelt out of state without having obtained a current license and without reporting said sale to the Director.

C. The fee for a license under this section shall be One Hundred Dollars (\$100.00) for residents. The fee for a license under this section for nonresidents who reside in a state which charges a fee for a fur dealer's license shall be equivalent to that state's nonresident fee. If no equivalent fee exists in a state where a nonresident resides, the fee for an Oklahoma nonresident fur dealer's license shall be Three Hundred Dollars (\$300.00).

D. All licenses issued pursuant to this section shall expire on June 30 of each year.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1974, c. 17, § 4-111, emerg. eff. April 8, 1974.

Amended by Laws 1978, c. 202, § 1, eff. Oct. 1, 1978; Laws 1985, c. 91, § 6, eff. Jan. 1, 1986; Laws 1986, c. 124, § 5, eff. Jan. 1, 1987; Laws 1996, c. 135, § 1, eff. July 1, 1996; Laws 2003, c. 287, § 3, eff. July 1, 2003; Laws 2008, c. 129, § 1, emerg. eff. May 8, 2008; Laws 2015, c. 132, § 1, eff. Nov. 1, 2015.

§29-4-112. See the following versions:

OS 29-4-112v1 (HB 1198, Laws 2017, c. 229, § 3, eff. Nov. 1, **2020**).

OS 29-4-112v2 (HB 2395, Laws 2017, c. 353, § 3, eff. Nov. 1, **2017**).

§29-4-112A. Hunting - Certificate of competency and safety - Exemptions - Apprentice designation.

A. No person thirty (30) years of age or younger may purchase or receive any hunting license or hunting tag unless the person possesses and can exhibit a certificate of competency and safety in the use and handling of firearms from the Department of Wildlife Conservation. The Department shall charge no fee for the issuance of certificates. Persons under ten (10) years of age may take the hunter education course but are not eligible to be tested for and receive hunter safety certification. A hunter safety certificate issued by another state or country and approved by the Department of Wildlife Conservation shall be deemed to meet the requirements of this section.

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

C. Persons under thirty (30) years of age who do not possess a certificate of hunter safety may purchase or receive any hunting

license or permit which is required by law with the designation apprentice listed on the hunter education line of the license or permit. A person holding a license or permit with the apprentice designation shall be allowed to hunt only if they are accompanied by a licensed hunter eighteen (18) years of age or older who possesses a certificate of hunter safety or is exempt from the hunter safety certification requirements or is accompanied by a person exempt from the hunting license requirements. In addition, all persons under ten (10) years of age, when hunting big game, regardless of hunter safety certification, shall be accompanied by a licensed hunter eighteen (18) years of age or older who possesses a certificate of hunter safety or is exempt from the hunter safety certification requirements or is accompanied by a person exempt from the hunting license requirement. When hunting big game, the accompanying hunter shall be within arm's length of the apprentice hunter or close enough so that the accompanying hunter can immediately take control of the firearm or archery equipment of the apprentice hunter. When hunting small game, the accompanying hunter shall be in sight of the apprentice hunter and shall be able to communicate with the apprentice hunter in a normal voice without the aid of any communication device.

D. Legal residents who do not possess a certificate of hunter safety may purchase a lifetime hunting license or lifetime combination hunting/fishing license with the designation apprentice listed on the hunter education line of the license. A resident holding a lifetime license with the apprentice designation shall be allowed to hunt only if they comply with the accompanying hunter requirements as set forth in subsection C of this section. Upon obtaining a certificate of hunter safety, a resident holding a lifetime license with the apprentice designation shall be entitled to renew their license without the apprentice designation.

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

F. The provisions of this section shall not apply to any person who has an honorable discharge from the United States Armed Forces, who is currently on active duty in the United States Armed Forces or a member of the National Guard. In addition, the provisions of this section shall not apply to any person who is a resident landowner or a resident tenant, while hunting game other than deer or antelope, upon land owned or leased by the person. The provisions of this subsection shall not exempt nonresidents owning land in this state nor any person leasing land, for the purpose of hunting.

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

Added by Laws 1984, c. 165, § 1, eff. Jan. 1, 1987. Amended by Laws 1993, c. 214, § 5, eff. Sept. 1, 1993; Laws 1999, c. 45, § 1, emerg. eff. April 5, 1999; Laws 2007, c. 79, § 1, eff. July 1, 2007; Laws 2008, c. 129, § 2, emerg. eff. May 8, 2008; Laws 2011, c. 281, § 1; Laws 2013, c. 100, § 1, eff. Nov. 1, 2013.

§29-4-112v1. Hunting licenses.

THIS TEXT WILL BECOME EFFECTIVE **NOV. 1, 2020**. FOR TEXT CURRENTLY EFFECTIVE, AND STILL EFFECTIVE AFTER NOV. 1, 2020, SEE OS 29-4-112v2.

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

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

1. Legal residents under sixteen (16) years of age;
2. Legal residents sixty-five (65) years of age or older provided they have obtained a senior citizen lifetime hunting or combination hunting and fishing license pursuant to the provisions of Section 4-114 of this title;
3. Legal residents born on or before January 1, 1923;
4. Legal resident veterans having a disability of sixty percent (60%) or more and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received an exemption pursuant to this paragraph, no registration with the veterans registry shall be required;
5. Legal resident owners or tenants who hunt on land owned or leased by them;
6. Any nonresident under fourteen (14) years of age;
7. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state;
8. Any legal resident or nonresident under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes; and

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

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

1. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on December 31 of the year purchased - One Hundred Forty-one Dollars (\$141.00). Nonresidents hunting big game or combination big game and upland game in a commercial hunting area shall be required to have this license;

2. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on June 30 of the fiscal year purchased - One Hundred Seventy-five Dollars (\$175.00). Nonresidents hunting big game or combination big game and upland game in a commercial hunting area shall be required to have this license;

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

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

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

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

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

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

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

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

1. Five Dollars (\$5.00) of the license fee of each license issued pursuant to paragraphs 1 through 7 of subsection C of this section and Two Dollars and fifty cents (\$2.50) of the license fee for each license issued pursuant to paragraph 8 of subsection C of this section shall be deposited in the Wildlife Land Acquisition Fund

created pursuant to the provisions of Section 4-132 of this title; and

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

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

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

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

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

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

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

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received an exemption pursuant to this subparagraph, no registration with the veterans registry shall be required, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

8. Gun hunting license for deer for residents under eighteen (18) years of age - Nine Dollars (\$9.00);

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received the exemption pursuant to this subparagraph, no registration with the veterans registry shall be required, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received the exemption pursuant to this subparagraph, no registration with the veterans registry shall be required, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

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

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

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received the exemption pursuant to this subparagraph, no registration with the veterans registry shall be required, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas.

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

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

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

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

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

I. Any person producing proof in court that a current hunting license issued by the Department of Wildlife Conservation to that person was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs. If proof of a current hunting license issued

by the Department to the person that was in force at the time of the alleged offense is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed without payment of court costs.

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

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

L. The Oklahoma Wildlife Conservation Commission shall promulgate any rules necessary to implement the provisions of this section.

Added by Laws 1974, c. 17, § 4-112, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 238, § 2, eff. Jan. 1, 1976; Laws 1978, c. 186, § 2, eff. Oct. 1, 1978; Laws 1981, c. 195, § 2, emerg. eff. May 22, 1981; Laws 1982, c. 154, § 2, eff. Jan. 1, 1983; Laws 1984, c. 18, § 1, eff. Nov. 1, 1984; Laws 1984, c. 136, § 2, eff. Jan. 1, 1985; Laws 1985, c. 91, § 7, eff. Jan. 1, 1986; Laws 1986, c. 124, § 2, eff. Jan. 1, 1987; Laws 1987, c. 100, § 2, operative Jan. 1, 1988; Laws 1988, c. 120, § 2, eff. Jan. 1, 1989; Laws 1989, c. 353, § 4, emerg. eff. June 3, 1989; Laws 1991, c. 182, § 23, eff. Sept. 1, 1991; Laws 1993, c. 141, § 2, eff. Sept. 1, 1993; Laws 1993, c. 214, § 4, eff. Sept. 1, 1993; Laws 1994, c. 372, § 2, eff. Jan. 1, 1995; Laws 1995, c. 1, § 10, emerg. eff. March 2, 1995; Laws 1995, c. 155, § 2, emerg. eff. May 2, 1995; Laws 1996, c. 80, § 1, eff. Nov. 1, 1996; Laws 1996, c. 167, § 4, eff. Nov. 1, 1996; Laws 1997, c. 54, § 1, eff. July 1, 1997; Laws 1998, c. 212, § 2, eff. Nov. 1, 1998; Laws 2002, c. 70, § 2, emerg. eff. April 15, 2002; Laws 2002, c. 346, § 1, eff. Nov. 1, 2002; Laws 2003, c. 160, § 2, eff. July 1, 2003; Laws 2003, c. 287, § 4, eff. July 1, 2003; Laws 2004, c. 284, § 1, emerg. eff. May 10, 2004; Laws 2005, c. 43, § 1, eff. July 1, 2005; Laws 2005, c. 214, § 3, eff. July 1, 2005; Laws 2006, c. 16, § 12, emerg. eff. March 29, 2006; Laws 2006, c. 138, § 15, eff. Nov. 1, 2006; Laws 2007, c. 35, § 1, eff. Nov. 1, 2007; Laws 2008, c. 49, § 1, eff. Nov. 1, 2008; Laws 2010, c. 317, § 4, eff. Jan. 1, 2011; Laws 2014, c. 185, § 1, emerg. eff. April 28, 2014; Laws 2015, c. 165, § 1, emerg. eff. April 24, 2015; Laws 2017, c. 229, § 3, eff. Nov. 1, 2020.

NOTE: Laws 1975, c. 37, § 1 repealed by Laws 1981, c. 195, § 11, eff. July 1, 1981. Laws 1988, c. 5, § 1 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1994, c. 172, § 1 and Laws

1994, c. 318, § 8 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2005, c. 281, § 1 repealed by Laws 2006, c. 16, § 13, emerg. eff. March 29, 2006. Laws 2005, c. 304, § 4 repealed by Laws 2006, c. 16, § 14, emerg. eff. March 29, 2006. Laws 2005, c. 382, § 2 repealed by Laws 2006, c. 16, § 15, emerg. eff. March 29, 2006. Laws 2017, c. 300, § 1 was repealed by Laws 2018, c. 304, § 12, but without reference to Laws 2017, c. 353, § 3, which had previously amended it.

§29-4-112v2. Hunting licenses.

THIS TEXT BECAME EFFECTIVE NOV. 1, 2017, AND WILL BE EFFECTIVE PRIOR TO AND FOLLOWING NOV. 1, 2020. FOR TEXT EFFECTIVE **BEGINNING** NOV. 1, 2020, SEE OS 29-4-112v1.

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

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

1. Legal residents under sixteen (16) years of age;
2. Legal residents sixty-five (65) years of age or older provided they have obtained a senior citizen lifetime hunting or combination hunting and fishing license pursuant to the provisions of Section 4-114 of this title;
3. Legal residents born on or before January 1, 1923;
4. Legal resident veterans having a disability of sixty percent (60%) or more;
5. Legal resident owners or tenants who hunt on land owned or leased by them;
6. Any nonresident under fourteen (14) years of age;
7. Legal residents having a proven disability which renders them nonambulatory and confines them to a wheelchair, as certified by a physician licensed in this state or in any state which borders this state;
8. Any legal resident or nonresident under eighteen (18) years of age who is in the physical custody of a child care facility as defined by Section 402 of Title 10 of the Oklahoma Statutes; and

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

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

1. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on December 31 of the year purchased - One Hundred Forty-one Dollars (\$141.00). Nonresidents hunting big game, combination big game and upland game or exotic wildlife in a commercial hunting area shall be required to have this license;

2. Annual hunting license for nonresidents hunting game other than deer, antelope, elk or bear which expires on June 30 of the fiscal year purchased - One Hundred Seventy-five Dollars (\$175.00). Nonresidents hunting big game, combination big game and upland game or exotic wildlife in a commercial hunting area shall be required to have this license;

3. Gun hunting license for deer:

- a. during deer gun seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlerless deer allowed during the current calendar year deer gun season - Thirty Dollars (\$30.00),
- b. during deer gun seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlered or antlerless deer allowed during the current calendar year deer gun season - Ninety-nine Dollars (\$99.00),
- c. during deer gun seasons occurring prior to January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer gun season - Two Hundred Ninety-nine Dollars (\$299.00), and
- d. during any deer gun season occurring on or after January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer gun season - Two Hundred Seventy-nine Dollars (\$279.00);

4. Archery hunting license for deer for nonresidents which shall expire on January 15 of the calendar year after the year purchased or, if purchased during the deer archery season, it shall expire at the end of that deer archery season:

- a. during deer archery seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlerless deer allowed during the current deer archery season - Thirty Dollars (\$30.00),
- b. during deer archery seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlered or antlerless deer allowed during the current deer archery season - Ninety-nine Dollars (\$99.00),
- c. during deer archery seasons occurring prior to January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current deer archery season - Two Hundred Ninety-nine Dollars (\$299.00), and
- d. during any deer archery season occurring on or after January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current deer archery season - Two Hundred Seventy-nine Dollars (\$279.00);

5. Primitive firearms hunting license for deer for:

- a. during deer primitive firearms seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlerless deer allowed during the current calendar year deer primitive firearms season - Thirty Dollars (\$30.00),
- b. during deer primitive firearms seasons occurring prior to January 16, 2021, for youth nonresidents seventeen (17) years of age or younger which shall be valid for hunting one antlered or antlerless deer allowed during the current calendar year deer primitive firearms season - Ninety-nine Dollars (\$99.00),
- c. during deer primitive firearms seasons occurring prior to January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer primitive firearms season - Two Hundred Ninety-nine Dollars (\$299.00), and
- d. during any deer primitive firearms season occurring on or after January 16, 2021, for nonresidents which shall be valid for hunting all deer allowed during the current calendar year deer primitive firearms season - Two Hundred Seventy-nine Dollars (\$279.00);

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

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

8. Five-day hunting license for nonresidents hunting game other than deer, antelope, elk, quail, turkey or bear - Seventy-four Dollars (\$74.00). Nonresidents hunting big game, combination big game and upland game or exotic wildlife in a commercial hunting area shall be required to have this license; and

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

D. The Department of Wildlife Conservation shall provide a report to both the President Pro Tempore of the Senate and the Speaker of the House of Representatives by February 1 of 2019 and 2020 setting forth information regarding licenses issued pursuant to paragraphs 3, 4 and 5 of subsection C of this section, which shall include, but not be limited to:

1. The number of licenses issued during the most recent respective deer hunting seasons; and

2. A fiscal analysis comparing revenue generated from the fees of the licenses issued during the most recent respective deer hunting seasons compared to previous years and whether the deer hunting license structure is beneficial to the Department.

E. Of the fees collected pursuant to the provisions of subsection C of this section:

1. Five Dollars (\$5.00) of the license fee of each license issued pursuant to paragraphs 1 through 7 of subsection C of this section and Two Dollars and fifty cents (\$2.50) of the license fee for each license issued pursuant to paragraph 8 of subsection C of this section shall be deposited in the Wildlife Land Acquisition Fund created pursuant to the provisions of Section 4-132 of this title; and

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

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

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

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

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

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

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

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

8. Gun hunting license for deer for residents under eighteen (18) years of age - Nine Dollars (\$9.00);

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas;

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

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

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

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

- a. residents with proper certification from the United States Department of Veterans Affairs or its successor, certifying that the person is a disabled veteran in receipt of compensation at the one-hundred-percent rate, and
- b. residents hunting in big game or combination big game and upland game commercial hunting areas.

G. Residents hunting big game, combination big game and upland game or exotic wildlife in a commercial hunting area shall be required to have one of the following licenses:

1. An annual hunting license issued pursuant to paragraph 1, 2, 3 or 4 of subsection F of this section;
2. An annual hunting and fishing combination license issued pursuant to Section 4-113 of this title;
3. A five-year hunting license or five-year combination hunting and fishing license issued pursuant to Section 4-113.1 of this title; or
4. A lifetime hunting license or lifetime combination hunting and fishing license issued pursuant to Section 4-114 of this title.

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

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

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

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

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

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

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

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

Added by Laws 1974, c. 17, § 4-112, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 238, § 2, eff. Jan. 1, 1976; Laws 1978, c. 186, § 2, eff. Oct. 1, 1978; Laws 1981, c. 195, § 2, emerg. eff. May 22, 1981; Laws 1982, c. 154, § 2, eff. Jan. 1, 1983; Laws 1984, c. 18, § 1, eff. Nov. 1, 1984; Laws 1984, c. 136, § 2, eff. Jan. 1, 1985; Laws 1985, c. 91, § 7, eff. Jan. 1, 1986; Laws 1986, c. 124, § 2, eff. Jan. 1, 1987; Laws 1987, c. 100, § 2, operative Jan. 1, 1988; Laws 1988, c. 120, § 2, eff. Jan. 1, 1989; Laws 1989, c. 353, § 4, emerg. eff. June 3, 1989; Laws 1991, c. 182, § 23, eff. Sept. 1, 1991; Laws 1993, c. 141, § 2, eff. Sept. 1, 1993; Laws 1993, c. 214,

§ 4, eff. Sept. 1, 1993; Laws 1994, c. 372, § 2, eff. Jan. 1, 1995; Laws 1995, c. 1, § 10, emerg. eff. March 2, 1995; Laws 1995, c. 155, § 2, emerg. eff. May 2, 1995; Laws 1996, c. 80, § 1, eff. Nov. 1, 1996; Laws 1996, c. 167, § 4, eff. Nov. 1, 1996; Laws 1997, c. 54, § 1, eff. July 1, 1997; Laws 1998, c. 212, § 2, eff. Nov. 1, 1998; Laws 2002, c. 70, § 2, emerg. eff. April 15, 2002; Laws 2002, c. 346, § 1, eff. Nov. 1, 2002; Laws 2003, c. 160, § 2, eff. July 1, 2003; Laws 2003, c. 287, § 4, eff. July 1, 2003; Laws 2004, c. 284, § 1, emerg. eff. May 10, 2004; Laws 2005, c. 43, § 1, eff. July 1, 2005; Laws 2005, c. 214, § 3, eff. July 1, 2005; Laws 2006, c. 16, § 12, emerg. eff. March 29, 2006; Laws 2006, c. 138, § 15, eff. Nov. 1, 2006; Laws 2007, c. 35, § 1, eff. Nov. 1, 2007; Laws 2008, c. 49, § 1, eff. Nov. 1, 2008; Laws 2010, c. 317, § 4, eff. Jan. 1, 2011; Laws 2014, c. 185, § 1, emerg. eff. April 28, 2014; Laws 2015, c. 165, § 1, emerg. eff. April 24, 2015; Laws 2017, c. 353, § 3, eff. Nov. 1, 2017.

NOTE: Laws 1975, c. 37, § 1 repealed by Laws 1981, c. 195, § 11, eff. July 1, 1981. Laws 1988, c. 5, § 1 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1994, c. 172, § 1 and Laws 1994, c. 318, § 8 repealed by Laws 1995, c. 1, § 40, emerg. eff. March 2, 1995. Laws 2005, c. 281, § 1 repealed by Laws 2006, c. 16, § 13, emerg. eff. March 29, 2006. Laws 2005, c. 304, § 4 repealed by Laws 2006, c. 16, § 14, emerg. eff. March 29, 2006. Laws 2005, c. 382, § 2 repealed by Laws 2006, c. 16, § 15, emerg. eff. March 29, 2006. Laws 2017, c. 300, § 1 was repealed by Laws 2018, c. 304, § 12, but without reference to Laws 2017, c. 353, § 3, which had previously amended it.

§29-4-113. Hunting/fishing annual combination license.

A. Legal residents who are not the individuals excepted from the license requirement as provided in subsection B of Section 4-112 of this title may purchase an annual combination hunting/fishing license from the Director or agents of the Director.

B. The fee for each combination hunting/fishing license issued under this section shall be:

1. For legal residents eighteen (18) years of age and older for a license that expires on December 31 of the year purchased - Forty-one Dollars (\$41.00);
2. For residents eighteen (18) years of age and older for a license that expires on June 30 of the fiscal year purchased - Fifty-two Dollars (\$52.00);
3. For legal residents sixteen (16) or seventeen (17) years of age for a license that expires on December 31 of the year purchased - Thirteen Dollars (\$13.00); and
4. For legal residents sixteen (16) or seventeen (17) years of age for a license that expires on June 30 of the fiscal year purchased - Eighteen Dollars (\$18.00).

C. Of the fees collected pursuant to the provisions of paragraphs 1 and 2 of subsection B of this section, Five Dollars (\$5.00) of the license fee shall be for the Oklahoma Wildlife Land Stamp and shall be deposited in the Oklahoma Wildlife Land Fund created pursuant to the provisions of Section 4-141 of this title. Added by Laws 1974, c. 17, § 4-113, emerg. eff. April 8, 1974. Amended by Laws 1975, c. 238, § 3, eff. Jan. 1, 1976; Laws 1981, c. 195, § 3, eff. Jan. 1, 1982; Laws 1982, c. 154, § 3, eff. Jan. 1, 1983; Laws 1985, c. 91, § 8, eff. Jan. 1, 1986; Laws 1994, c. 372, § 3, eff. Jan. 1, 1995; Laws 2003, c. 160, § 3, eff. July 1, 2003; Laws 2003, c. 287, § 5, eff. July 1, 2003; Laws 2009, c. 123, § 2, eff. July 1, 2009; Laws 2010, c. 317, § 5, eff. Jan. 1, 2011.

§29-4-113.1. Five-year fishing, hunting and hunting/fishing combination licenses.

A. All legal residents who have resided in the state for at least six (6) months may purchase five-year fishing licenses, five-year hunting licenses or five-year combination hunting/fishing licenses from the State Wildlife Conservation Director.

B. The fee for these licenses shall be:

1. Five-year fishing license, Seventy-five Dollars (\$75.00);
2. Five-year hunting license, Seventy-five Dollars (\$75.00); and
3. Five-year combination hunting/fishing license, One Hundred Thirty-five Dollars (\$135.00).

C. The use of the licenses provided in this section is subject to those restrictions provided by statute and the regulations of the Wildlife Conservation Commission.

D. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department of Wildlife Conservation for a fee of Five Dollars (\$5.00).

E. A five-year licensee shall not lose the privileges of such license by a subsequent transfer of residency.

F. 1. In addition to the fees imposed pursuant to subsection B of this section, a person purchasing a five-year fishing, hunting or combination license shall be required to purchase a five-year Oklahoma Wildlife Land Stamp. Each person shall have the stamp in their possession while hunting, fishing, or taking any wildlife. The fee for the five-year Oklahoma Wildlife Land Stamp shall be Twelve Dollars (\$12.00). The fee for the stamp shall be distributed as follows:

- a. Ten Dollars (\$10.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of Title 29 of the Oklahoma Statutes, to be used to retire the obligations and related expenses as authorized pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase

easements on real property to be used as public hunting, fishing, and trapping areas, and

- b. Two Dollars (\$2.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of Title 29 of the Oklahoma Statutes, to be used by the Commission for management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

2. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the five-year Oklahoma Wildlife Land Stamp.

3. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes, the five-year Oklahoma Wildlife Land Stamp and five-year Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

Added by Laws 2008, c. 42, § 1, eff. Jan. 1, 2009.

§29-4-113.2. Three-day special use permit - Veterans, nonprofit or charitable organizations.

A. The Wildlife Conservation Commission shall establish a three-day special use permit to be purchased by a landowner for a tract of land that is two hundred (200) acres or more.

B. The special use permit shall allow any veterans and nonprofit or charitable organizations, with the permission of the landowner, to hunt and fish on the tract of land. Those veterans and organizations permitted to hunt and fish on the tract of land shall be exempt from hunting and fishing license requirements for the term that the special use permit is issued.

C. The term for the special use permit shall only be for consecutive days.

D. The price of the special use permit shall not exceed Five Hundred Dollars (\$500.00).

E. The Commission shall promulgate rules to enforce the provisions of this act.

Added by Laws 2019, c. 77, § 1, eff. Nov. 1, 2019.

§29-4-113A. Fishing guide license.

A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person shall assist, accompany, transport, guide or aid persons in the taking of fish for compensation or other considerations without having first procured a license specified in subsection B of this section from the Director or from any of the authorized agents of the Department of Wildlife Conservation.

B. The Department shall promulgate rules for a fishing guide license, for persons who assist, accompany, transport, guide or aid

persons in the taking of fish for compensation or other considerations.

C. The fee for a license under this section shall not exceed Two Hundred Dollars (\$200.00) annually.

D. The provisions of this section shall not apply to landowners or agricultural lessees who provide such services on properties they own or lease.

E. The provisions of this section shall not exempt a person procuring a license pursuant to this section from any other fishing licenses as may be required by law.

F. Any person convicted of violating the provisions of this section shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Added by Laws 2009, c. 268, § 1, eff. July 1, 2009.

§29-4-114. See the following versions:

OS 29-4-114v1 (HB 2518, Laws 2014, c. 112, § 1, effective **until** Nov. 1, 2020).

OS 29-4-114v2 (HB 1198, Laws 2017, c. 229, § 4, effective Nov. 1, 2020).

§29-4-114v1. Hunting, fishing, and hunting/fishing lifetime licenses.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 29-4-114v2.

A. All legal residents who have resided in the state for at least six (6) months and intend to remain residents may purchase lifetime fishing licenses, lifetime hunting licenses or lifetime combination hunting and fishing licenses from the State Wildlife Conservation Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, Two Hundred Dollars (\$200.00);
2. Lifetime hunting license, Six Hundred Dollars (\$600.00);
3. Lifetime combination hunting and fishing license, Seven Hundred Fifty Dollars (\$750.00);
4. Senior citizen lifetime hunting license for persons sixty-five (65) years of age or older, Fifteen Dollars (\$15.00);
5. Senior citizen lifetime fishing license for persons sixty-five (65) years of age or older, Fifteen Dollars (\$15.00); and
6. Senior citizen lifetime combination hunting and fishing license for persons sixty-five (65) years of age or older, Twenty-five Dollars (\$25.00).

C. Legal resident having proper certification from the United States Department of Veterans Affairs or its successor certifying that the person is a disabled veteran may purchase a disability lifetime combination hunting and fishing license from the State

Wildlife Conservation Director. The fees for the license shall be as follows:

1. Two Hundred Dollars (\$200.00) for veterans having a disability of less than sixty percent (60%); and
2. Twenty-five Dollars (\$25.00) for veterans having a disability of sixty percent (60%) or more.

D. The use of the licenses provided in this section are subject to those restrictions provided by statute and the regulations of the Wildlife Conservation Commission. Except as otherwise provided for in this section, each lifetime hunting license issued pursuant to subsections B and C of this section shall be in lieu of all annual hunting licenses and all special season permits.

E. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department of Wildlife Conservation for a fee of Ten Dollars (\$10.00).

F. A lifetime licensee shall not lose the privileges of such license by a subsequent transfer of residency.

G. 1. In addition to the fees imposed pursuant to paragraphs 1 through 3 of subsection B of this section, a person purchasing a lifetime fishing, hunting or combination license, excluding a senior citizen lifetime hunting, fishing or combination hunting and fishing license issued pursuant to paragraphs 4 through 6 of subsection B of this section and a disability lifetime combination hunting and fishing license issued pursuant to subsection C of this section, shall be required to purchase a Lifetime Oklahoma Wildlife Land Stamp. Each person shall have the stamp in their possession while hunting, fishing, or taking any wildlife. The fee for the Lifetime Oklahoma Wildlife Land Stamp shall be Twenty-five Dollars (\$25.00). The fee for the stamp shall be distributed as follows:

- a. Twenty Dollars (\$20.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used to retire the obligations and related expenses as authorized pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase easements on real property to be used as public hunting, fishing, and trapping areas, and
- b. Five Dollars (\$5.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used by the Commission for management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

2. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Lifetime Oklahoma Wildlife Land Stamp.

3. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes, the Lifetime Oklahoma Wildlife Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

H. A person who is sixty-four (64) years of age shall be eligible to purchase a senior citizen lifetime license issued pursuant to paragraphs 4 through 6 of subsection B of this section during the calendar year in which the person turns sixty-five (65) years of age.

I. The fee for a lifetime fishing license, a lifetime hunting license, or a lifetime combination hunting and fishing license issued pursuant to paragraphs 1 through 3 of subsection B of this section for a legal resident under eighteen (18) years of age may be paid for by installments not to exceed a three-year period of time and in a manner determined by the Director. The lifetime license shall not be issued and become valid until full payment is received by the Department of Wildlife Conservation. If the entire amount of the license fee is not received within three (3) years from the date the application for installment payments is submitted to the Department, all funds received shall be forfeited and shall not be refunded. Added by Laws 1974, c. 17, § 4-114, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 238, § 4, emerg. eff. May 30, 1975; Laws 1981, c. 195, § 10, eff. July 1, 1981; Laws 1982, c. 154, § 4, eff. Jan. 1, 1983; Laws 1991, c. 29, § 1, eff. Sept. 1, 1991; Laws 1992, c. 402, § 5, eff. Dec. 1, 1992; Laws 1994, c. 372, § 4, eff. Jan. 1, 1995; Laws 2002, c. 346, § 2, eff. Nov. 1, 2002; Laws 2003, c. 157, § 1, eff. July 1, 2003; Laws 2004, c. 513, § 4, eff. Sept. 1, 2004; Laws 2005, c. 214, § 4, eff. July 1, 2005; Laws 2006, c. 16, § 16, emerg. eff. March 29, 2006; Laws 2010, c. 317, § 6, eff. Jan. 1, 2011; Laws 2014, c. 112, § 1.

NOTE: Laws 2004, c. 284, § 2 repealed by Laws 2005, c. 1, § 34, emerg. eff. March 15, 2005. Laws 2005, c. 304, § 1 repealed by Laws 2006, c. 16, § 17, emerg. eff. March 29, 2006.

§29-4-114v2. Hunting, fishing, and hunting/fishing lifetime licenses.

THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 29-4-114v1.

A. All legal residents who have resided in the state for at least six (6) months and intend to remain residents may purchase lifetime fishing licenses, lifetime hunting licenses or lifetime combination hunting and fishing licenses from the State Wildlife Conservation Director.

B. The fee for these licenses shall be:

1. Lifetime fishing license, Two Hundred Dollars (\$200.00);
2. Lifetime hunting license, Six Hundred Dollars (\$600.00);

3. Lifetime combination hunting and fishing license, Seven Hundred Fifty Dollars (\$750.00);

4. Senior citizen lifetime hunting license for persons sixty-five (65) years of age or older, Fifteen Dollars (\$15.00);

5. Senior citizen lifetime fishing license for persons sixty-five (65) years of age or older, Fifteen Dollars (\$15.00); and

6. Senior citizen lifetime combination hunting and fishing license for persons sixty-five (65) years of age or older, Twenty-five Dollars (\$25.00).

C. Legal resident having proper certification from the United States Department of Veterans Affairs or its successor certifying that the person is a disabled veteran and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs may purchase a disability lifetime combination hunting and fishing license from the State Wildlife Conservation Director. The fees for the license shall be as follows:

1. Two Hundred Dollars (\$200.00) for veterans having a disability of less than sixty percent (60%); and

2. Twenty-five Dollars (\$25.00) for veterans having a disability of sixty percent (60%) or more.

D. The use of the licenses provided in this section are subject to those restrictions provided by statute and the regulations of the Wildlife Conservation Commission. Except as otherwise provided for in this section, each lifetime hunting license issued pursuant to subsections B and C of this section shall be in lieu of all annual hunting licenses and all special season permits.

E. Should any lifetime license be lost or destroyed, a duplicate will be issued by the Department of Wildlife Conservation for a fee of Ten Dollars (\$10.00).

F. A lifetime licensee shall not lose the privileges of such license by a subsequent transfer of residency.

G. 1. In addition to the fees imposed pursuant to paragraphs 1 through 3 of subsection B of this section, a person purchasing a lifetime fishing, hunting or combination license, excluding a senior citizen lifetime hunting, fishing or combination hunting and fishing license issued pursuant to paragraphs 4 through 6 of subsection B of this section and a disability lifetime combination hunting and fishing license issued pursuant to subsection C of this section, shall be required to purchase a Lifetime Oklahoma Wildlife Land Stamp. Each person shall have the stamp in their possession while hunting, fishing, or taking any wildlife. The fee for the Lifetime Oklahoma Wildlife Land Stamp shall be Twenty-five Dollars (\$25.00). The fee for the stamp shall be distributed as follows:

- a. Twenty Dollars (\$20.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used to retire the obligations and related expenses as authorized

pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase easements on real property to be used as public hunting, fishing, and trapping areas, and

- b. Five Dollars (\$5.00) from each stamp shall be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title, to be used by the Commission for management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

2. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Lifetime Oklahoma Wildlife Land Stamp.

3. Within one (1) year of the final retirement, redemption, or defeasance of the obligations created pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes, the Lifetime Oklahoma Wildlife Land Stamp and Lifetime Oklahoma Wildlife Land Stamp fee requirements provided for in this subsection shall terminate.

H. A person who is sixty-four (64) years of age shall be eligible to purchase a senior citizen lifetime license issued pursuant to paragraphs 4 through 6 of subsection B of this section during the calendar year in which the person turns sixty-five (65) years of age.

I. The fee for a lifetime fishing license, a lifetime hunting license, or a lifetime combination hunting and fishing license issued pursuant to paragraphs 1 through 3 of subsection B of this section for a legal resident under eighteen (18) years of age may be paid for by installments not to exceed a three-year period of time and in a manner determined by the Director. The lifetime license shall not be issued and become valid until full payment is received by the Department of Wildlife Conservation. If the entire amount of the license fee is not received within three (3) years from the date the application for installment payments is submitted to the Department, all funds received shall be forfeited and shall not be refunded.

J. The Oklahoma Wildlife Conservation Commission shall promulgate any rules necessary to implement the provisions of this section.

Added by Laws 1974, c. 17, § 4-114, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 238, § 4, emerg. eff. May 30, 1975; Laws 1981, c. 195, § 10, eff. July 1, 1981; Laws 1982, c. 154, § 4, eff. Jan. 1, 1983; Laws 1991, c. 29, § 1, eff. Sept. 1, 1991; Laws 1992, c. 402, § 5, eff. Dec. 1, 1992; Laws 1994, c. 372, § 4, eff. Jan. 1, 1995; Laws 2002, c. 346, § 2, eff. Nov. 1, 2002; Laws 2003, c. 157, § 1, eff. July 1, 2003; Laws 2004, c. 513, § 4, eff. Sept. 1, 2004; Laws 2005, c. 214, § 4, eff. July 1, 2005; Laws 2006, c. 16, § 16, emerg. eff. March 29, 2006; Laws 2010, c. 317, § 6, eff. Jan. 1,

2011; Laws 2014, c. 112, § 1; Laws 2017, c. 229, § 4, eff. Nov. 1, 2020.

NOTE: Laws 2004, c. 284, § 2 repealed by Laws 2005, c. 1, § 34, emerg. eff. March 15, 2005. Laws 2005, c. 304, § 1 repealed by Laws 2006, c. 16, § 17, emerg. eff. March 29, 2006.

§29-4-115. Minnow dealer's interstate license.

A. No person may ship or transport minnows for sale into or out of this state without having first procured a license for such from the Director.

B. Commercial minnow export and import:

1. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person may harvest, attempt to harvest, assist in harvesting, sell, or buy for the purpose of exporting minnows from the waters of this state or import into this state, without having first procured the proper license for such purposes from the Director. The fees for licenses under this section shall be set by the Commission for persons having an established residence in this state and who have been currently residing in this state for a period of one (1) year or more prior to the issuance of a license and for nonresidents;

2. Prior to the issuance of this license, the applicant shall file with the Department a surety bond issued by a company licensed to do business in this state in the sum of One Thousand Dollars (\$1,000.00), conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code. This bond shall be subject to forfeiture upon conviction for the violation of any of the provisions of the Oklahoma Wildlife Conservation Code or resolutions of the Department;

3. The Commission shall regulate the harvest season, harvest limits, exports limits, size and species to be harvested. The Commission shall issue such other regulations as it deems necessary and shall design all forms necessary for the operation of these provisions;

4. No minnows shall be harvested except during daylight hours from sunrise to sunset as set by the National Weather Service. The Commission shall designate the waters of this state where the harvest of minnows for export purposes shall be permitted;

5. All persons licensed as "Commercial Minnow Export Dealers" shall comply with Sections 6-401 and 6-501 of the Oklahoma Wildlife Conservation Code and with all resolutions of the Commission pertaining to the export of minnows from this state; and

6. Provided, however, any person leaving the state possessing three (3) dozen or fewer minnows or any person selling or shipping minnows raised in a regularly licensed commercial minnow hatchery shall be exempt from the licensing provisions of this section.

C. Any person convicted of violating any provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00). Laws 1974, c. 17, § 4-115, emerg. eff. April 8, 1974; Laws 1981, c. 195, § 4, eff. July 1, 1981; Laws 1982, c. 154, § 5, eff. Jan. 1, 1983.

§29-4-116. Minnow dealer's intrastate license - Exceptions.

A. No person may seine, trap, transport or sell minnows within the state for commercial purposes without having first procured a license from the Director.

B. Each applicant for such license shall be a resident of Oklahoma for a period of one (1) year immediately preceding his application, and it must appear to the Director that the applicant does not intend to use the license for the purpose of violating any of the laws of the State of Oklahoma, and that the equipment to be used by the applicant complies with the provisions of Section 6-401 of the Oklahoma Wildlife Conservation Code.

C. Persons excepted from the license requirements of this section are:

1. Any person who seines, traps or transports minnows for his own use as bait, if the seine used does not exceed twenty (20) feet in length, and the mesh is no larger than one-fourth (1/4) inch square, or if only one trap is used;

2. Any person under sixteen (16) years of age who seines, traps and sells minnows for commercial purposes within the county of his residence in quantities which do not require a special vehicle for transportation, as described in paragraph 4, subsection A of Section 6-401 of the Oklahoma Wildlife Conservation Code;

3. Any retailer selling lawfully acquired minnows.

D. The fees for a license under this section and the fee for renewal of such license shall be determined by the Wildlife Conservation Commission.

E. Any person convicted of violating any provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00). Laws 1974, c. 17, § 4-116, emerg. eff. April 8, 1974; Laws 1981, c. 195, § 5, eff. July 1, 1981; Laws 1982, c. 154, § 6, eff. Jan. 1, 1983.

§29-4-117. Minnow dealer's vehicle license.

A. No holder of a license as a commercial minnow dealer in this state may use more than one vehicle to transport minnows without having first procured a license for each additional vehicle from the Director.

B. The fees for each additional license shall be determined by the Wildlife Conservation Commission.

C. Any person convicted of violating this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00).
Laws 1974, c. 17, § 4-117, emerg. eff. April 8, 1974; Laws 1981, c. 195, § 6, eff. Jan. 1, 1982; Laws 1982, c. 154, § 7, eff. Jan. 1, 1983.

§29-4-118. Scientific purposes license.

A. No person may kill or capture wildlife or take their nests or eggs for scientific purposes without having first procured a license from the Director.

B. A scientific purposes license may be issued to anyone sixteen (16) years of age or older when the Director is presented with:

1. A written testimonial from one well-known scientist or from any well-known scientific institution, the testimonial certifying to the good character and fitness of the individual; and

2. A signed application listing

a. the species sought,

b. the means to be used to take such species, and

c. the reason for collection.

C. The annual fee for the license shall be Ten Dollars (\$10.00).

D. Each license shall list the species that the licensee is permitted to take, the means of taking and the period during which such may be taken.

E. Each licensee shall report to the Director at the end of each year the number and species of wildlife taken or killed and any other relative collection data as the Department may require.

F. Upon application, licenses may be renewed without complying with the provisions of paragraph 1, subsection B of this section. However, no license may be renewed before the receipt of an annual report.

G. Upon conviction that any licensee killed or captured wildlife, took nests or eggs for other than scientific purposes, or took any game by means other than that described on the license, the licensee shall be punished in the same manner as though the license had never been issued and the license shall be void.

Added by Laws 1974, c. 17, § 4-118, emerg. eff. April 8, 1974.

Amended by Laws 1985, c. 91, § 9, eff. Jan. 1, 1986; Laws 2003, c. 160, § 4, eff. July 1, 2003.

§29-4-119. Trapping licenses.

A. No person may trap any furbearers without having first procured a license from the Director. A furbearer trapping license may be issued only to persons holding a hunting license applicable to their residency.

B. Persons excepted from the license requirements of this section are:

1. Persons holding a resident lifetime hunting license or lifetime combination hunting and fishing license issued pursuant to Section 4-114 of this title; and
 2. Resident owners or tenants or the children of an owner or tenant, who trap on land owned or leased by the owner or tenants.
- C. The fees for a license under this section shall be:
1. For residents:
 - a. Nine Dollars (\$9.00) for the use of twenty traps or less, and
 - b. Sixty-eight Dollars and fifty cents (\$68.50) for a professional trapper, defined as a person using more than twenty traps; and
 2. For nonresidents, Three Hundred Forty-five Dollars (\$345.00).
- D. All licenses issued pursuant to this section shall expire on the last day of February of each year.
- E. Any person convicted of violating the provisions of subparagraph a of paragraph 1 of subsection C of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).
- F. Any person convicted of violating the provisions of subparagraph b of paragraph 1 of subsection C of this section shall be punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.
- G. Any person convicted of violating the provisions of paragraph 2 of subsection C of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

Added by Laws 1974, c. 17, § 4-119, emerg. eff. April 8, 1974.
 Amended by Laws 1985, c. 91, § 10, eff. Jan. 1, 1986; Laws 1991, c. 182, § 24, eff. Sept. 1, 1991; Laws 2003, c. 160, § 5, eff. July 1, 2003; Laws 2010, c. 317, § 7, eff. Jan. 1, 2011.

§29-4-120. Trout license.

A. No person may fish in designated trout waters without having first procured a valid Oklahoma fishing license issued pursuant to Section 4-110 of this title from the Director or authorized agents of the Director.

B. The Commission shall decide the open season for trout fishing and which waters are designated trout waters.

Added by Laws 1974, c. 17, § 4-120, emerg. eff. April 8, 1974.
 Amended by Laws 1975, c. 238, § 5, eff. Jan. 1, 1976; Laws 1981, c. 195, § 7, eff. Jan. 1, 1982; Laws 1982, c. 154, § 8, eff. Jan. 1, 1983; Laws 1985, c. 91, § 11, eff. Jan. 1, 1986; Laws 1988, c. 11, §

1, emerg. eff. March 14, 1988; Laws 1991, c. 182, § 25, eff. Sept. 1, 1991; Laws 2003, c. 160, § 6, eff. July 1, 2003; Laws 2003, c. 287, § 6, eff. July 1, 2003; Laws 2010, c. 317, § 8, eff. Jan. 1, 2011.

§29-4-121. Noncommercial wildlife breeder's license.

A. Except as otherwise provided in this title or in the Oklahoma Farmed Cervidae Act, no person may breed or raise wildlife for personal consumption or noncommercial purposes without having first procured a license from the Director.

B. Licenses may be issued to any person that lawfully obtains wildlife, acts in good faith and adheres to the laws of the State of Oklahoma.

C. All licenses issued pursuant to this section shall expire on June 30 of each year.

Added by Laws 1975, c. 279, § 1, emerg. eff. June 5, 1975. Amended by Laws 1987, c. 112, § 2, eff. Nov. 1, 1987; Laws 1991, c. 182, § 26, eff. Sept. 1, 1991; Laws 1992, c. 402, § 6, eff. Dec. 1, 1992; Laws 2003, c. 94, § 3, eff. July 1, 2003; Laws 2006, c. 138, § 16, eff. Nov. 1, 2006.

§29-4-122. Noncommercial wildlife breeders license - Personal uses.

A. Individuals possessing a noncommercial wildlife breeders license are authorized to breed or raise noncommercial wildlife for personal uses only. Personal uses shall include, but not be limited to:

1. Breeding for a hobby;
2. Educational or scientific purposes;
3. Personal consumption;
4. Release on private property, except any bear or cat that will grow to reach the weight of fifty (50) pounds or more; and
5. Care and rehabilitation of sick or injured wildlife.

B. The fees for a license under this section and all renewals of the license shall be Ten Dollars (\$10.00).

C. Noncommercial wildlife breeders are required to abide by all provisions of Sections 5-601 and 5-602 of this title, except for those parts referring to the sale of wildlife, which is not authorized under this license.

Added by Laws 1975, c. 279, § 2, emerg. eff. June 5, 1975. Amended by Laws 1985, c. 91, § 12, eff. Jan. 1, 1986; Laws 1987, c. 112, § 3, eff. Nov. 1, 1987; Laws 1994, c. 318, § 9, emerg. eff. June 8, 1994; Laws 2003, c. 160, § 7, eff. July 1, 2003.

§29-4-123. Penalties.

Any person convicted of violating the provisions of Sections 4-121 or 4-122 of this title shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and if applicable, shall have his breeder's license

revoked. No such person whose license has been revoked shall be eligible to obtain a new license until after the date on which the revoked license would have expired.

Laws 1975, c. 279, § 3, emerg. eff. June 5, 1975; Laws 1994, c. 318, § 10, emerg. eff. June 8, 1994.

§29-4-124. Confinement.

All furbearers, except mink, game mammals, game birds, game fish and minnows raised under the provisions of this Code are hereby required to be confined to the lands or waters described in the application, and such wildlife must be confined in such manner as to prohibit mammals, birds and fish belonging to the State of Oklahoma from becoming part of the enterprise.

Laws 1975, c. 279, § 4, emerg. eff. June 5, 1975.

§29-4-125. Repealed by Laws 1979, c. 143, § 3, eff. Jan. 1, 1980.

§29-4-126. Repealed by Laws 1979, c. 143, § 3, eff. Jan. 1, 1980.

§29-4-127. Repealed by Laws 1979, c. 143, § 3, eff. Jan. 1, 1980.

§29-4-128. Lake Texoma - Licenses and permits - Exemptions - Fees - Violations - Penalties.

A. Except as otherwise provided in this Code, no person shall fish, pursue, harass, catch, kill, take, attempt to take in any manner, use, have in possession, sell or transport all or any portion of a fish in Lake Texoma without having first procured a license from the Director or from any authorized agents of the Director.

B. Persons excepted from the license requirements of this section are:

1. Nonresidents under fourteen (14) years of age;
2. Nonresidents in possession of a valid nonresident license issued under Section 4-110 of this title and fishing the Oklahoma portion of Lake Texoma;
3. Holders of parallel special Texas fishing license for Lake Texoma; and
4. A resident holding a valid Oklahoma fishing license or excepted from such by Section 4-110 of this title and fishing only the Oklahoma side of Lake Texoma.

C. The minimum fee for this special Lake Texoma fishing license shall be Six Dollars and seventy-five cents (\$6.75). Upon action by the Texas Parks and Wildlife Department, with agreement by the Commission, to raise the fee for the special Texas fishing license for Lake Texoma, the fee for the special Lake Texoma fishing license shall be raised accordingly. Licenses shall be issued in accordance with Sections 4-201 and 4-202 of this title.

D. Revenue received from the sale of this special license for Lake Texoma shall be divided between the Oklahoma Department of Wildlife Conservation and the Texas Parks and Wildlife Department. The Oklahoma Department of Wildlife Conservation shall receive seventy percent (70%) of the fees collected. The remaining thirty percent (30%) of the fees collected shall be forwarded by the Oklahoma Department of Wildlife Conservation to the Texas Parks and Wildlife Department.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Added by Laws 1979, c. 143, § 1, eff. Jan. 1, 1980. Amended by Laws 1985, c. 91, § 13, eff. Jan. 1, 1986; Laws 2003, c. 160, § 8, eff. July 1, 2003.

§29-4-128.1. Condition necessary for act to become effective.

This act shall not become effective unless or until:

1. The State of Texas makes provisions for the sale of licenses in Texas that are parallel to the license authorized by this act;
2. The State of Texas provides for payment to this state of not less than seventy percent (70%) of all revenue collected by Texas for licenses parallel to the one authorized by this section; and
3. The State of Texas allows holders of the Oklahoma special Lake Texoma fishing license to fish the State of Texas portion of the lake without requiring them to purchase any other Texas fishing license.

Laws 1979, c. 143, § 2, eff. Jan. 1, 1980.

§29-4-129. Mussels - Harvesting - Licenses and permits - Fees - Violations - Penalties.

A. No person may harvest, or attempt to harvest, or assist in harvesting, or sell, buy or export mussels from the waters of this state without having first procured the proper license for such purposes from the Director of Wildlife Conservation. The fees for licenses under this section shall be:

1. For a resident license to harvest, or attempt to harvest, or assist in harvesting, or sell mussels, Fifty Dollars (\$50.00);
2. For a nonresident license to harvest, or attempt to harvest, or assist in harvesting, or sell mussels, said fee shall be One Thousand Dollars (\$1,000.00);
3. To buy, transport out of state or export mussels, One Thousand Dollars (\$1,000.00); prior to the issuance of this license the applicant shall file with the Department of Wildlife Conservation a good and sufficient surety bond by a surety company licensed to do business in this state in the sum of Five Thousand Dollars (\$5,000.00) conditioned upon the observance and compliance with the provisions of the Oklahoma Wildlife Conservation Code, Section 1-101

et seq. of this title, which bond will be subject to forfeiture upon conviction for the violation of any of the provisions of this section or any resolution adopted by the Department; and

4. Any person in the possession of more than twenty (20) mussels or parts thereof shall be required to have the proper license as provided for in this section.

B. In addition to the requirements of subsection A of this section, any person harvesting, selling, buying or exporting mussels from the waters of this state shall procure an applicable annual fishing license pursuant to Section 4-110 of this title.

C. Except as otherwise provided for by law, the Oklahoma Wildlife Conservation Commission shall regulate the harvest season, gear types to be used, size and species to be harvested and issue such other rules as it deems necessary and shall design all forms necessary for the operation of these provisions.

D. It shall be unlawful for anyone to take or possess the following mussel species or their shells smaller than the following size limits:

1. Sand shells, muckets, creepers, grandmas, pocketbooks, lady fingers, squaw feet or cucumbers, less than three (3) inches minimum diameter;

2. Maple leaf and three ridge, less than two and three-fourths (2 3/4) inches minimum diameter;

3. Three knot, less than two (2) inches minimum diameter;

4. Washboards, less than four (4) inches minimum in diameter;

and

5. All other species except Buckhorn and the Ouachita Rock Pocket Book which are prohibited, less than two and one-half (2 1/2) inches minimum diameter.

E. All mussels shall be sized immediately after harvesting, before harvester moves his or her boat or begins another dive.

F. Mussels shall be measured by passing the mussel, shell included, through a circular measuring device with the appropriate inside diameter. If the mussel passes through the appropriate circular measuring device from any angle or direction it is too small, and must be returned to the water.

G. 1. The maple leaf mussel is the only mussel which shall be harvested for commercial purposes in the open portion of Grand Lake and its tributaries.

2. The mussel harvest season on Grand Lake shall be from May 1 to October 30, inclusive. No mussel shall be harvested in the portion of Grand Lake of the Cherokees from twin bridges north to the Kansas state line.

H. Nothing in this section shall prevent a person from taking six (6) or less mussels per day of any size for noncommercial personal use.

I. 1. Any person who exports mussels from the State of Oklahoma shall pay the Department as a severance fee an amount not to exceed one-eighth (1/8) of the dollar value of purchased shells or a lesser figure as directed by the Commission.

2. Except as otherwise required by this subsection, such funds shall be used for mussel enforcement, management and/or research.

3. One-fifth (1/5) of the monies collected pursuant to this subsection not to exceed Forty Thousand Dollars (\$40,000.00) annually shall be made available to counties in this state for beaver control and abatement pursuant to contracts with such criteria and restrictions required and specified by the Department. The payment shall be computed from shipping bills of lading and paid by the 15th day of the following month. The Commission shall issue such regulations governing exports as it deems necessary and shall design all forms necessary for the operation of these provisions.

J. No mussels shall be harvested except during daylight hours from sunrise until sunset. No harvesting shall ever take place in Tenkiller Lake.

K. Any person buying or exporting mussels from the waters of this state shall provide advance notice of each and every place where such business is transacted. Such notice shall be to the Director in the manner prescribed by the Commission.

L. 1. Except as provided for in paragraph 3 of this subsection, any resident of this state convicted of violating subsection A, C, D, G or J of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or by confiscation of gear and/or mussels pursuant to the provisions of Section 7-206 of this title or by a combination of fine, imprisonment and confiscation.

2. Except as provided for in paragraph 3 of this subsection, any nonresident convicted of violating the provisions of subsection A, C, D, G or J of this section shall be punished by the imposition of a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00) or by confiscation of gear and/or mussels pursuant to the provisions of Section 7-206 of this title or by a combination of fine, imprisonment and confiscation.

3. Any person convicted of violating the provisions of paragraph 2 of subsection A of this section or of subsection I or K of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed thirty (30) days, or by confiscation of the shipment of mussels pursuant to the provisions of Section 7-206 of this title, or by a combination of fine, imprisonment and confiscation. In addition, such person shall forfeit his or her

license and not be permitted to renew the license for a one-year period.

Added by Laws 1978, c. 302, § 1, emerg. eff. May 10, 1978. Amended by Laws 1987, c. 41, § 1, emerg. eff. April 23, 1987; Laws 1990, c. 103, § 1, eff. Sept. 1, 1990; Laws 1991, c. 182, § 27, eff. Sept. 1, 1991; Laws 1992, c. 402, § 7, eff. Dec. 1, 1992; Laws 1994, c. 318, § 12, emerg. eff. June 8, 1994; Laws 1996, c. 117, § 1, eff. July 1, 1996; Laws 1998, c. 185, § 1, emerg. eff. April 29, 1998; Laws 2000, c. 71, § 1, emerg. eff. April 14, 2000.

§29-4-130. Waterfowl hunting stamp - Fee - Duration - Violations - Exemptions.

A. Except as otherwise provided in the Oklahoma Wildlife Conservation Code, no person may hunt or take any waterfowl during the open season on waterfowl unless the person has first obtained an Oklahoma waterfowl hunting stamp or license from the Director or authorized agents of the Director. Each person shall have the stamp or license in their possession when hunting or taking any waterfowl. When a stamp is purchased, the stamp shall be validated by the signature of the licensee written across the face of the stamp.

B. Persons excepted from the Oklahoma waterfowl hunting stamp or license requirement of this section are:

1. Legal residents of Oklahoma under sixteen (16) years of age; and
2. Legal residents of Oklahoma sixty-five (65) years of age or older.

C. 1. The Oklahoma waterfowl hunting stamp fee and waterfowl license shall each be Nine Dollars (\$9.00). The remainder of the fee shall be deposited in the Wildlife Conservation Fund, to be used exclusively in the State of Oklahoma, for the purpose of developing, managing, preserving, restoring and maintaining wetland habitats and for the conservation and management of waterfowl and ecologically related species.

2. The collection and remittance procedures applicable to hunting license fees under this title shall apply to waterfowl stamp or license fees.

3. The waterfowl stamp or license issued pursuant to this section shall expire on June 30 of each year.

D. The Oklahoma Wildlife Conservation Commission may prescribe, by regulation, the form, design and manner of issuance, if any, of the waterfowl stamp, which could include the selection of art for such stamp from an art contest regulated by the Commission.

E. 1. Any person arrested for hunting or taking any waterfowl during the open season on waterfowl without a valid Oklahoma waterfowl hunting stamp or license as required by the provisions of subsection A of this section may purchase a substitute temporary thirty-day stamp or license from the arresting game warden in lieu of

posting bond. Proof of hunter safety certification shall not be required for the temporary substitute stamp or license. The fee for a substitute stamp or license purchased pursuant to the provisions of this subsection shall be:

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

2. The fees from the temporary stamp and license purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund, to be used exclusively in the State of Oklahoma, for the purpose of developing, managing, preserving, restoring and maintaining wetland habitats and for the conservation and management of waterfowl and ecologically related species.

F. Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

G. Nothing in this title shall prohibit a person from hunting waterfowl exclusively on their own property without an Oklahoma waterfowl hunting stamp or license.

Added by Laws 1980, c. 5, § 1, operative Sept. 1, 1980. Amended by Laws 1981, c. 195, § 8, eff. Jan. 1, 1982; Laws 1982, c. 154, § 9, eff. Jan. 1, 1983; Laws 1989, c. 38, § 1, operative July 1, 1989; Laws 1992, c. 402, § 8, eff. Dec. 1, 1992; Laws 1998, c. 216, § 3, eff. July 1, 1998; Laws 2003, c. 160, § 9, eff. July 1, 2003; Laws 2004, c. 284, § 3, emerg. eff. May 10, 2004; Laws 2010, c. 317, § 9, eff. Jan. 1, 2011; Laws 2018, c. 235, § 1, eff. Nov. 1, 2018.

§29-4-131. Repealed by Laws 2004, c. 376, § 3, emerg. eff. June 3, 2004.

§29-4-132. Wildlife habitat stamp - Wildlife Land Acquisition Fund.

A. The Department of Wildlife Conservation is hereby authorized to issue an Oklahoma Wildlife Habitat Stamp to any person upon the voluntary payment of a fee of Ten Dollars (\$10.00). Said fee shall be deposited in the Wildlife Land Acquisition Fund created in subsection C of this section.

B. The Oklahoma Wildlife Conservation Commission shall promulgate rules specifying the form, design, and manner of issuance of said wildlife habitat stamp.

C. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife Land Acquisition Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of this section by the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission is hereby authorized to invest all or part of the monies of said fund in any investment

permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such investments shall be deposited in the Wildlife Land Acquisition Fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purposes specified in subsection D of this section. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this subsection shall be deemed to be for the purposes specified in subsection D of this section. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

D. The Wildlife Land Acquisition Fund shall be used by the Oklahoma Wildlife Conservation Commission for the acquisition on a willing-seller willing-buyer basis only, leasing, taking of easements, development, management, and enhancement of lands acquired pursuant to this section for the following purposes:

1. Management of game animals, protected animals and birds, furbearing animals, game birds, fish, and their restoration, propagation, and protection; and

2. Creation and management of public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

E. The Oklahoma Wildlife Conservation Commission may accept private contributions, grants, and donations made for the purposes of this section. Any monies received pursuant to this subsection shall be deposited in the Wildlife Land Acquisition Fund created in subsection C of this section. Any property received pursuant to this subsection which is not suitable for the purposes of this section may be sold by the Oklahoma Wildlife Conservation Commission and the proceeds from such sales shall be deposited in the Wildlife Land Acquisition Fund created in subsection C of this section.

F. Whenever the Oklahoma Wildlife Conservation Commission acquires title to land pursuant to this section, the Commission shall annually make in lieu of tax payments equal to the average ad valorem tax per acre paid on similar land in that county. Said payments shall be made to the county treasurer of the county in which the land is located.

Added by Laws 1986, c. 71, § 1, operative July 1, 1986. Amended by Laws 1998, c. 216, § 4, eff. July 1, 1998; Laws 2003, c. 160, § 10, eff. July 1, 2003; Laws 2012, c. 304, § 120.

§29-4-133. Repealed by Laws 2010, c. 317, § 13, eff. Jan. 1, 2011.

§29-4-134. Wildlife Heritage Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Wildlife Heritage Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from senior citizen lifetime licenses issued pursuant to the provisions of paragraphs 4 through 6 of subsection B of Section 4-114 of this title by the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission is hereby authorized to invest all or part of the monies of said fund in any investment permitted by a written investment policy adopted by the Wildlife Conservation Commission; provided, all investments shall be made in accordance with the Oklahoma Uniform Prudent Investor Act. Any interest or dividends accruing from such investments shall be deposited in the Wildlife Heritage Fund. Only interest and dividends derived from the principle can be expended and are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purposes specified in subsection B of this section. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this subsection shall be deemed to be for the purposes specified in subsection B of this section. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

B. The Wildlife Heritage Fund shall be used by the Oklahoma Wildlife Conservation Commission for the acquisition of land on a willing-seller willing-buyer basis only, leasing of land, and the taking of easements, and for the development, management, and enhancement of such lands acquired pursuant to this section for the following purposes:

1. Management of game animals, protected animals and birds, furbearing animals, game birds, fish, and their restoration, propagation, and protection; and

2. Creation and management of public hunting, fishing, and trapping areas as places where the public may hunt, fish, or trap as authorized by law.

C. The Oklahoma Wildlife Conservation Commission may accept private contributions, grants, and donations made for the purposes of this section. Any monies received pursuant to this subsection shall be deposited in the Wildlife Heritage Fund created in subsection A of this section. Any property received pursuant to this subsection which is not suitable for the purposes of this section may be sold by the Oklahoma Wildlife Conservation Commission and the proceeds from such sales shall be deposited in the Wildlife Heritage Fund created in subsection A of this section.

D. Whenever the Oklahoma Wildlife Conservation Commission acquires title to land pursuant to this section, the Commission shall annually make in lieu of tax payments equal to the average ad valorem tax per acre paid on similar land in that county. Said payments shall be made to the county treasurer of the county in which the land is located to be distributed by said county treasurer in the manner provided for by law for ad valorem tax payments. Added by Laws 1986, c. 124, § 4, eff. Jan. 1, 1987. Amended by Laws 1998, c. 216, § 5, eff. July 1, 1998; Laws 2010, c. 317, § 10, eff. Jan. 1, 2011; Laws 2012, c. 304, § 121.

§29-4-135. Permits to control nuisance or damage by wildlife.

A. The Department of Wildlife Conservation is authorized to issue permits to landowners, lessees, or their designated agents and to any entity of state, county, or local government to control nuisance or damage by any species of wildlife including, but not limited to beaver, coyote, deer, bobcat, raccoon, and crow under rules promulgated by the Oklahoma Wildlife Conservation Commission. The permits may be issued without limitation by statewide season regulations, bag limits or methods of taking. A permitted landowner, lessee or a designated agent of the landowner or lessee may, with a valid permit issued pursuant to this section, control the wildlife specified in this subsection and feral swine at night to protect marketable agricultural crops, livestock, or processed feed, seed or other materials used in the production of an agricultural commodity.

B. Except as otherwise specified in this subsection, the permit to hunt at night shall be valid for a period of up to one (1) year from the date the permit was issued. Each landowner, lessee, or designated agent with a valid permit shall be required to have a current agricultural exemption permit issued by the Oklahoma Tax Commission.

C. Notwithstanding the provisions of Section 5-203.1 of this title, a landowner, lessee, or designated agent of the landowner or lessee with a valid permit may use a headlight carried on the person while hunting at night. Nothing in this section shall authorize the use of a headlight mounted on a vehicle or the use of a headlight from a public roadway.

D. Any person who has been convicted of, or pled guilty to, a violation of Section 5-203.1 or Section 5-411 of this title within the previous three (3) years shall not be eligible to receive a permit pursuant to this section. The permit can be issued by the local game warden in the county for which the permit is to be used or by the Law Enforcement Division of the Department of Wildlife Conservation.

E. Notwithstanding the provisions of Section 1289.13 of Title 21 of the Oklahoma Statutes, it shall be lawful for any private landowner or designated employee of the landowner or lessee to have a

chamber-loaded firearm on property owned by the landowner, and to use the firearm for the purpose of controlling nuisance or damage by any wildlife or feral swine. Nothing in this section shall authorize any convicted felon to carry a firearm.

Added by Laws 1994, c. 318, § 11, emerg. eff. June 8, 1994. Amended by Laws 1998, c. 121, § 3, emerg. eff. April 15, 1998; Laws 2004, c. 193, § 1, eff. July 1, 2004; Laws 2007, c. 5, § 17, eff. Nov. 1, 2007; Laws 2007, c. 104, § 1, eff. Nov. 1, 2007.

§29-4-135.1. Nuisance wildlife control operator permits - Requirements - Exemptions - Fees - Violations and penalties.

A. Except as otherwise provided in this title, no person shall trap, capture, possess, transport, relocate or euthanize any nuisance wildlife for commercial purposes under rules promulgated by the Oklahoma Wildlife Conservation Commission without first procuring a nuisance wildlife control operator permit from the Director of Wildlife Conservation.

B. A nuisance wildlife control operator permit may be issued only to those persons who have successfully completed the nuisance wildlife control operator certification examination provided by the Department of Wildlife Conservation.

C. Employees of any federal, state, county or local governmental entity designated to control nuisance wildlife while on duty shall be exempt from the nuisance wildlife control operator permit and testing requirements set forth in this section.

D. The annual fee for the nuisance wildlife control operator permit shall be Seventy-five Dollars (\$75.00).

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for residents and not less than Five Hundred Dollars (\$500.00) for nonresidents.

F. Any person convicted of violating the provisions of this section may have his or her nuisance wildlife control operator permit revoked for a period of up to three (3) years or permanently revoked as deemed appropriate by the Director.

Added by Laws 2014, c. 115, § 1, eff. Nov. 1, 2014.

§29-4-136. Special use permits to use private land leased and administered by the Department.

A. The Wildlife Conservation Commission may establish an annual special use permit which would be required of all persons who hunt or fish or otherwise use private lands leased and administered by the Department of Wildlife Conservation. The Department shall not require a special use permit for persons traveling through such private land in a motor vehicle, unless the person is also involved in hunting or fishing or other use of the private land for which a

special permit is required. The Commission may establish a three-day special use permit which would allow residents to use the private land administered by the Department of Wildlife Conservation for nonhunting- or nonfishing-related activities for up to three (3) consecutive days.

B. The Commission may establish and assess a fee for an annual resident and nonresident special use permit or a three-day resident special use permit to use the private land leased and administered by the Department. The fees from permits purchased pursuant to the provisions of this section shall be expended by the Department exclusively for lease payments and for developing, managing, preserving, and protecting wildlife and wildlife habitat on the private land leased and administered by the Department.

C. Legal residents of Oklahoma who are under eighteen (18) years of age on the first day of the current calendar year or are sixty-four (64) years of age or older shall be exempt from the permit requirements of this section.

Added by Laws 1996, c. 66, § 1, eff. July 1, 1996. Amended by Laws 1997, c. 56, § 1, emerg. eff. April 8, 1997; Laws 1999, c. 298, § 1, eff. July 1, 1999; Laws 2002, c. 174, § 1, emerg. eff. May 6, 2002; Laws 2008, c. 87, § 1, emerg. eff. April 28, 2008; Laws 2016, c. 134, § 1, emerg. eff. April 21, 2016.

§29-4-137. Controlled hunt choice fees.

In addition to any other fees authorized by law, the Department of Wildlife Conservation is authorized to impose a fee of not more than Ten Dollars (\$10.00) per controlled hunt choice pursuant to rules promulgated by the Department.

Added by Laws 2001, c. 203, § 1, emerg. eff. May 8, 2001. Amended by Laws 2018, c. 123, § 1, eff. Nov. 1, 2018.

§29-4-138. Wildlife Conservation Passports - Exemptions.

A. The Wildlife Conservation Commission may establish special use permits to be designated the:

1. "Annual Wildlife Conservation Passport"; and
2. "Three-Day Wildlife Conservation Passport".

A Passport shall be required of all persons not otherwise exempt as provided for in subsection C of this section, who enter or use land owned by the Commission and that has been designated by the Commission as requiring a Passport.

B. The Commission may establish and assess:

1. A fee of not more than One Dollar (\$1.00) above the cost of an annual resident hunting or fishing license for the Annual Wildlife Conservation Passport; and

2. A fee of not more than Fifteen Dollars (\$15.00) for the Three-Day Wildlife Conservation Passport.

Each person, not otherwise exempt as provided for in subsection C of this section, entering or using a designated area of land shall be required to have a Passport in their possession while in the area.

C. The following persons shall be exempt from the Passport requirements of this section:

1. All persons who possess a valid Oklahoma fishing, hunting or combination license, a lifetime resident or nonresident fishing, hunting, or combination license, a senior citizen lifetime fishing or hunting license, or a disability fishing or hunting license;

2. Persons under sixteen (16) years of age; and

3. Students and instructors participating in bona fide educational tours or activities sponsored or organized by an educational institution or entity or any other organized event sanctioned in advance by the Oklahoma Department of Wildlife Conservation. Sponsors of such activities shall provide notice of the date and number of persons participating in the activity to the Department of Wildlife Conservation for approval not less than twenty (20) days prior to the date of the activity.

D. 1. Any person arrested while violating the provisions of this section may purchase a temporary thirty-day license from the arresting game warden in lieu of posting bond. The fee for a substitute license purchased pursuant to the provisions of this subsection shall be:

a. Fifty Dollars (\$50.00) for legal residents of this state, and

b. Ninety Dollars (\$90.00) for nonresidents.

2. The fees from licenses purchased pursuant to the provisions of this subsection shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, preserving and protecting wildlife and wildlife habitat.

Added by Laws 2002, c. 130, § 1, eff. July 1, 2002. Amended by Laws 2010, c. 38, § 1; Laws 2015, c. 167, § 1, eff. Nov. 1, 2015.

§29-4-139. Migratory bird permit - Sandhill Crane permit - Violation - Penalty.

A. Any person who hunts, takes, or attempts to take any migratory bird shall be required to obtain from the Director any federally required permit for migratory birds.

B. The fee for a migratory bird permit under subsection A of this section shall be Two Dollars (\$2.00) for residents and nonresidents. By July 1, 2004, the Wildlife Conservation Commission shall develop and implement an Internet-based electronic application by which persons may apply for a migratory bird permit. For any person who makes application for and fills out the required information for the migratory bird permit by means of the Internet, the two-dollar fee shall be waived.

C. In addition to the permit required in subsection A of this section, any person who hunts, takes, or attempts to take a Sandhill Crane shall be required to obtain from the Director a Sandhill Crane permit. The fee for a Sandhill Crane permit shall be Two Dollars (\$2.00) for residents and nonresidents. No persons shall be exempt from the permit requirements of this subsection.

D. Persons exempt from the migratory bird permit requirements of subsections A and B of this section are:

1. Persons under sixteen (16) years of age;
2. Persons age sixty-four (64) or older; and
3. A landowner hunting only on their own property.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of Ten Dollars (\$10.00).

Added by Laws 2003, c. 160, § 11, eff. July 1, 2003. Amended by Laws 2004, c. 282, § 1, emerg. eff. May 10, 2004; Laws 2013, c. 174, § 1.

NOTE: Laws 2004, c. 84, § 1 repealed by Laws 2005, c. 1, § 35, emerg. eff. March 15, 2005.

§29-4-140. See the following versions:

OS 29-4-140v1 (HB 2963, Laws 2010, c. 317, § 11, effective **until** Nov. 1, 2020).

OS 29-4-140v2 (HB 1198, Laws 2017, c. 229, § 5, effective Nov. 1, 2020).

§29-4-140v1. Wildlife Land Stamp - Exemptions - Fee.

THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 29-4-140v2.

A. Except as otherwise provided for in this section, no person may hunt, pursue, trap, harass, catch, kill, take, or attempt to take in any manner, use, have in possession, sell, or transport all or any portion of any wildlife including fish unless the person has first obtained an Oklahoma Wildlife Land Stamp from the Director or any authorized agents of the Department of Wildlife Conservation. Each person shall have the stamp in their possession when hunting, fishing, or taking any wildlife.

B. Persons exempt from the Oklahoma Wildlife Land Stamp requirements of this section are:

1. Legal residents of Oklahoma under eighteen (18) years of age;
2. Legal residents of Oklahoma sixty-five (65) years of age or older;
3. Legal residents of Oklahoma who have a valid lifetime fishing, hunting, or combination license;
4. Legal residents of Oklahoma who have a valid senior citizen lifetime fishing, hunting or combination hunting and fishing license;
5. Nonresidents holding a valid nonresident lifetime fishing license;

6. Legal residents and nonresidents who have acquired a license pursuant to Section 4-110 or Section 4-128 of this title for fishing in the area of Lake Texoma located within the state;

7. Nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;

8. Nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older;

9. Legal resident veterans having a disability of sixty percent (60%) or more;

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

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

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

13. Nonresidents under fourteen (14) years of age;

14. Any legal resident or nonresident who is a Job Corps trainee of this state, provided that the trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present the card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

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

16. Any legal resident or nonresident who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

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

C. 1. Any fees received for the Oklahoma Wildlife Land Stamp and required to be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title and any other money deposited in the fund, shall be used exclusively for:

- a. the payment of bond debt and related expenses incurred pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes for the purchase of public hunting, fishing, and trapping areas where the public may hunt, fish, or trap as authorized by law or for the purchase, lease, or purchasing of easements on real property to be used as public hunting, fishing, and trapping areas, and
- b. the management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

2. The collection and remittance procedures applicable to hunting license fees under this title shall apply to the Oklahoma Wildlife Land Stamp fees.

3. The Oklahoma Wildlife Land Stamp issued pursuant to this section for hunting licenses issued pursuant to paragraph 1 of subsection C and paragraphs 1 and 3 of subsection E of Section 4-112 of this title and paragraphs 1 and 3 of subsection B of Section 4-113 of this title, shall expire on December 31. The Oklahoma Wildlife Land Stamp issued pursuant to this section for hunting licenses issued pursuant to paragraph 2 of subsection C and paragraphs 2 and 4 of subsection E of Section 4-112 of this title and paragraphs 2 and 4 of subsection B of Section 4-113 of this title, shall expire on June 30.

D. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Oklahoma Wildlife Land Stamp.

Added by Laws 2004, c. 513, § 1, eff. Sept. 1, 2004. Amended by Laws 2005, c. 304, § 2, emerg. eff. June 6, 2005; Laws 2007, c. 35, § 2, eff. Nov. 1, 2007; Laws 2009, c. 123, § 3, eff. July 1, 2009; Laws 2010, c. 317, § 11, eff. Jan. 1, 2011.

§29-4-140v2. Wildlife Land Stamp - Exemptions - Fee.

THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 29-4-140v1.

A. Except as otherwise provided for in this section, no person may hunt, pursue, trap, harass, catch, kill, take, or attempt to take in any manner, use, have in possession, sell, or transport all or any

portion of any wildlife including fish unless the person has first obtained an Oklahoma Wildlife Land Stamp from the Director or any authorized agents of the Department of Wildlife Conservation. Each person shall have the stamp in their possession when hunting, fishing, or taking any wildlife.

B. Persons exempt from the Oklahoma Wildlife Land Stamp requirements of this section are:

1. Legal residents of Oklahoma under eighteen (18) years of age;
2. Legal residents of Oklahoma sixty-five (65) years of age or older;
3. Legal residents of Oklahoma who have a valid lifetime fishing, hunting, or combination license;
4. Legal residents of Oklahoma who have a valid senior citizen lifetime fishing, hunting or combination hunting and fishing license;
5. Nonresidents holding a valid nonresident lifetime fishing license;
6. Legal residents and nonresidents who have acquired a license pursuant to Section 4-110 or Section 4-128 of this title for fishing in the area of Lake Texoma located within the state;
7. Nonresidents under sixteen (16) years of age from states which do not require nonresident fishing licenses for persons under sixteen (16) years of age;
8. Nonresidents sixty-four (64) years of age or older from states which do not require nonresident fishing licenses for persons sixty-four (64) years of age or older;
9. Legal resident veterans having a disability of sixty percent (60%) or more and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; provided, that if the veteran has previously received the exemption pursuant to this paragraph, no registration with the veterans registry shall be required;
10. Legal resident owners or tenants, their spouses, parents, grandparents, children and their spouses, grandchildren and their spouses who hunt on land owned or leased by them or fish in private ponds on land owned or leased by them;
11. Any legal resident or nonresident who is a patient of an institution of the State of Oklahoma established for the care and treatment of mental illness or alcohol or drug dependency or any developmentally disabled person residing in any group home or other institution or developmentally disabled persons when accompanied by an attendant of such institution or legal guardian of said patient, or when fishing on institutional property;
12. Any legal resident or nonresident who is legally blind or who has any other physical impairment, as certified by a physician licensed in this state or any state which borders this state, which prevents the person from properly using fishing apparatus without the assistance of another person, and any one person actually

accompanying and actually assisting such legally blind or otherwise physically impaired person while the latter is fishing. This certification shall be carried by the individual while fishing;

13. Nonresidents under fourteen (14) years of age;

14. Any legal resident or nonresident who is a Job Corps trainee of this state, provided that the trainees shall have on their persons a duly authorized identification card issued by their respective Job Corps Center and shall present the card upon request, in lieu of a fishing license. The trainees shall return their cards to their respective Job Corps Center when the trainees leave their respective Job Corps training programs;

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

16. Any legal resident or nonresident who is fishing with a pole and line, trotline, or throwline in streams, natural lakes, natural ponds, and mine pits when using any bait other than commercial or artificial bait, blood, stink bait, cut fish, and shrimp; and

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

C. 1. Any fees received for the Oklahoma Wildlife Land Stamp and required to be deposited in the Oklahoma Wildlife Land Fund, created in Section 4-141 of this title and any other money deposited in the fund, shall be used exclusively for:

- a. the payment of bond debt and related expenses incurred pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes for the purchase of public hunting, fishing, and trapping areas where the public may hunt, fish, or trap as authorized by law or for the purchase, lease, or purchasing of easements on real property to be used as public hunting, fishing, and trapping areas, and
- b. the management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

2. The collection and remittance procedures applicable to hunting license fees under this title shall apply to the Oklahoma Wildlife Land Stamp fees.

3. The Oklahoma Wildlife Land Stamp issued pursuant to this section for hunting licenses issued pursuant to paragraph 1 of subsection C and paragraphs 1 and 3 of subsection E of Section 4-112 of this title and paragraphs 1 and 3 of subsection B of Section 4-113 of this title, shall expire on December 31. The Oklahoma Wildlife

Land Stamp issued pursuant to this section for hunting licenses issued pursuant to paragraph 2 of subsection C and paragraphs 2 and 4 of subsection E of Section 4-112 of this title and paragraphs 2 and 4 of subsection B of Section 4-113 of this title, shall expire on June 30.

D. The Oklahoma Wildlife Conservation Commission shall prescribe, by rule, the form, design, and manner of issuance of the Oklahoma Wildlife Land Stamp and any rules necessary to implement the provisions of this section.

Added by Laws 2004, c. 513, § 1, eff. Sept. 1, 2004. Amended by Laws 2005, c. 304, § 2, emerg. eff. June 6, 2005; Laws 2007, c. 35, § 2, eff. Nov. 1, 2007; Laws 2009, c. 123, § 3, eff. July 1, 2009; Laws 2010, c. 317, § 11, eff. Jan. 1, 2011; Laws 2017, c. 229, § 5, eff. Nov. 1, 2020.

§29-4-141. Oklahoma Wildlife Land Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Oklahoma Wildlife Land Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of Sections 4-110, 4-112 and 4-113 of this title from fees for the Oklahoma Wildlife Land Stamp and required to be deposited in the fund, subsection G of Section 4-114 of this title from fees for the Lifetime Oklahoma Wildlife Land Stamp and required to be deposited in the fund and any other monies received from fees for the Oklahoma Wildlife Land Stamp and required to be deposited in the fund. All monies accruing to the credit of the fund are hereby appropriated and shall be expended by the Commission as follows:

1. An amount equal to Four Dollars (\$4.00) per stamp to be used to retire the obligations and related expenses as authorized pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or to purchase, lease, or purchase easements on real property to be used as public hunting, fishing, and trapping areas; and

2. An amount equal to fifty cents (\$0.50) per stamp to be used by the Commission for management of the real property acquired pursuant to Section 168.9 of Title 73 of the Oklahoma Statutes or acquired with proceeds from the Oklahoma Wildlife Land Stamp fee.

Added by Laws 2004, c. 513, § 2, eff. Sept. 1, 2004. Amended by Laws 2005, c. 304, § 3, emerg. eff. June 6, 2005; Laws 2010, c. 317, § 12, eff. Jan. 1, 2011.

§29-4-143. Rattlesnake hunting permit.

A. All legal residents of Oklahoma and nonresidents may purchase a five-day rattlesnake permit from the Director or an agent of the Director which shall allow the person to hunt, pursue, trap, harass, catch, kill, take, or attempt to take in any manner any species of

rattlesnake during an organized rattlesnake-hunting event or festival during the five-day period without obtaining a hunting license issued pursuant to Section 4-112 of Title 29 of the Oklahoma Statutes.

B. The fee for a rattlesnake permit shall be Five Dollars (\$5.00).

C. Any person with a hunting license issued pursuant to Section 4-112 of Title 29 of the Oklahoma Statutes may hunt rattlesnake without acquiring a rattlesnake permit issued pursuant to this section.

Added by Laws 2005, c. 304, § 5, emerg. eff. June 6, 2005.

§29-4-144. Black bear hunting license.

A. No person may hunt or take black bear without having first procured a license from the Director of Wildlife Conservation or an agent of the Director.

B. The Wildlife Conservation Commission shall decide the open season, the bag limits, and territorial limitations for hunting or taking black bear.

C. The fees for a license issued pursuant to this section shall be:

1. For legal residents, One Hundred Dollars (\$100.00); and
2. For nonresidents, Five Hundred Dollars (\$500.00).

D. Any person who fails to obtain a license as required in subsection A of this section and pay the fee as required in paragraph 1 of subsection C of this section, upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

E. Any person who fails to obtain a license as required in subsection A of this section and pay the fee as required in paragraph 2 of subsection C of this section, upon conviction, shall be punished by a fine of not less than Eight Hundred Dollars (\$800.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both said fine and imprisonment.

Added by Laws 2009, c. 27, § 1, emerg. eff. April 13, 2009.

§29-4-201. Repealed by Laws 2011, c. 85, § 2, eff. Jan. 1, 2013.

§29-4-202. Repealed by Laws 2011, c. 85, § 3, eff. Jan. 1, 2013.

§29-4-203. Issuance of licenses through electronic point of sale system - Promulgation of rules.

A. Every dealer appointed to issue licenses as provided for in Section 3-202 of Title 29 of the Oklahoma Statutes shall be required

to issue every license by means of an electronic point of sale system beginning no later than January 1, 2013.

B. By January 1, 2013, the Wildlife Conservation Commission shall promulgate rules establishing:

1. The duties of a dealer;
2. Procedures for issuing licenses and remitting license fees;
3. A collection fee to be retained by the dealer;
4. Reporting requirements;
5. Penalties for any violation of the rules; and
6. Any other rule deemed necessary by the Commission.

Added by Laws 2011, c. 85, § 1, eff. Nov. 1, 2011.

§29-5-101. Hunting, trapping, killing etc., of propagated wildlife or domesticated animals - Licenses - Permits - Invoices - Records - Violations - Penalties.

A. Except as otherwise provided for in this title, commercial hunting areas are subject to neither seasons or bag limit. Holders of commercial hunting area licenses may permit properly licensed persons to hunt, use, give away, sell, transport, trap or kill, within the confines of the commercial hunting area, any propagated wildlife or domesticated animals hunted for sport.

B. If said wildlife or domesticated animals or parts thereof are shipped or transported from the confines of the commercial hunting area, the commercial hunting area license holder or his lawfully appointed agent shall sign a written invoice which shall accompany such wildlife or domesticated animal to its final destination. Such invoice shall list:

1. The propagator's permit number;
2. The kind and number of each species killed, sold, given away, transported or shipped;
3. The name and address of the recipient; and
4. The date received from licensee;

and shall state that he has fully complied with the provisions of this section.

C. These invoices shall be evidence of rightful possession and ownership of lawfully taken wildlife.

D. A copy of such invoices must be permanently kept for at least three (3) years from date of expiration of license by the commercial propagator and must also include whether the wildlife was shipped alive or dead.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 5-101, emerg. eff. April 8, 1974; Laws 1992, c. 149, § 2, emerg. eff. April 30, 1992.

§29-5-102. Tagging wildlife or domesticated animals hunted for sport to be removed from commercial hunting areas.

A. No person may remove any propagated or released wildlife or domesticated animals hunted for sport which are killed at a commercial hunting area, including exotic wildlife, without attaching a tag to each of such killed wildlife or domesticated animals hunted for sport.

B. The tags shall be supplied by the Commission at a cost of no more than Ten Dollars (\$10.00); provided, that there shall be no fee for tags for females of the Cervidae family which are hunted for sport and killed at a commercial hunting area. The tags shall contain such information as the Commission may require and shall be numbered consecutively.

C. Such tag must remain attached to the individual wildlife or domesticated animals hunted for sport until prepared and consumed and shall not be used more than once.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Added by Laws 1974, c. 17, § 5-102, emerg. eff. April 8, 1974.

Amended by Laws 2017, c. 353, § 4, eff. Nov. 1, 2017.

§29-5-103. Liberation of propagated and other birds.

All wildlife or domesticated animals hunted for sport commercially propagated or transported into this state may be liberated into the wild subject to rules and regulations of the Commission.

Laws 1974, c. 17, § 5-103, emerg. eff. April 8, 1974.

§29-5-201. Means of taking wildlife - Exceptions - Fines and punishments.

A. Except as otherwise provided for in this section, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird, nongame bird or exotic wildlife, the following means:

1. Any trap, net, snare, cage, pitfall, baited hook or similar device;

2. Any drug, poison, narcotic, explosive or similar substance;

3. Any swivel or punt gun of greater calibre than ten (10) gauge;

4. Any device which generates electricity; or

5. Any device which noticeably suppresses noise from a firearm, commonly known as a suppressor or silencer unless it is registered in compliance with the requirements of federal law.

B. Except as otherwise provided for in this section, no person shall hunt wildlife or exotic wildlife by computer-assisted remote control hunting.

C. Except as otherwise provided for in this section, no person shall engage in any activity that provides, sells, offers for sale, assists in, or provides facilities for computer-assisted remote control hunting of wildlife or exotic wildlife.

D. The following persons shall be exempt from the prohibition in subsection A of this section:

1. The Director, departmental employees and authorized agents when capturing wildlife for propagation or management purposes;

2. Any person, group or governmental agency the Director may by written permit authorize, where any species of nongame birds are causing a nuisance or undue economic loss, as may be determined by the Director. Such permit shall state the method of control and specific procedures and conditions as may be deemed appropriate by the Director;

3. Any person possessing a scientific purposes license under Section 4-118 of this title;

4. Employees of the Oklahoma Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources; or

5. Any person using nonlethal, nonchemical capture or restraint of animals on licensed commercial hunt areas for management, viewing or photographic purposes.

E. Nothing in this section shall be construed to exempt any person using a device as described in paragraph 5 of subsection A of this section from the requirements and provisions of federal law, federal regulations and federal tax requirements for lawful use of the device.

F. A person shall be exempt from the prohibition in subsection B of this section if the person is permanently physically disabled so that the person is physically incapable of using a firearm, crossbow, or conventional bow as certified in writing by a physician licensed to practice medicine. A person who has received certification as provided for in this paragraph shall have in their possession written evidence of the certification while in the field hunting.

G. A person shall be exempt from the prohibition in subsection C of this section if the person is engaged in providing facilities for, assisting in, selling, or offering for sale a computer-assisted remote control hunting activity for a person who is physically disabled as described in subsection F of this section. The physically disabled person shall be physically present where the hunting activity is occurring and be in control and operating the

computer-assisted remote control means to take wildlife or exotic wildlife.

H. 1. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

2. Any person convicted of violating the provisions of subsection B or C of this section shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not exceeding one (1) year, or by both the fine and imprisonment. In addition, the court may order that the hunting or fishing license and privileges of any person convicted of violating the provisions of subsection B or C of this section be revoked for a period of not less than one (1) year but not exceeding five (5) years. The cost of reinstating a hunting or fishing license revoked pursuant to this subsection for residents shall be Two Hundred Dollars (\$200.00) for each license and for nonresidents shall be Five Hundred Dollars (\$500.00) for each license. The reinstatement fee shall be in addition to any other fees required for the hunting or fishing license.

3. Any person convicted of a wildlife offense which involves a species of wildlife listed in Section 5-411 of this title, involves a species of wildlife referenced in Section 5-412 of this title or involves the unlawful possession, taking or killing of the wildlife from an unlawful hunt, chase, trap, capture, shooting, killing or slaughter while using a suppressed firearm during the commission of the wildlife offense, in addition to any other penalty otherwise provided for in law, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail not exceeding one (1) year, or by both the fine and imprisonment. In addition, the court may order that the hunting or fishing license and privileges of the person be revoked for a period of not less than one (1) year but not exceeding five (5) years.

Added by Laws 1974, c. 17, § 5-201, emerg. eff. April 8, 1974.

Amended by Laws 1991, c. 182, § 29, eff. Sept. 1, 1991; Laws 2000, c. 191, § 1, eff. Nov. 1, 2000; Laws 2008, c. 104, § 1, emerg. eff. May 2, 2008; Laws 2012, c. 294, § 2, eff. Nov. 1, 2012; Laws 2015, c. 245, § 1, eff. Nov. 1, 2015; Laws 2016, c. 165, § 2, eff. Nov. 1, 2016.

§29-5-202. Permission to hunt, take, fish or engage in recreational activity upon land of another.

A. Except as otherwise provided, no person may hunt or take by any means or method upon the land of another without the consent of the owner, lessee or occupant of such land.

B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a specified period of time.

C. Excluding land primarily devoted to farming, ranching, or forestry purposes as set forth in Section 1835.2 of Title 21 of the Oklahoma Statutes, areas exempt from the provisions of subsection A of this section are lands belonging to this state which are not leased and occupied by a resident, excluding school land.

D. Any game warden investigating a hunter in the field has the duty to inform the hunter that it is necessary to obtain the consent of the landowner, lessee or occupant to hunt or take on the particular property. Prosecution for violations of the provisions of this section may be commenced only upon written complaint of such owner, lessee or occupant filed before any court authorized to punish such violation, or upon written complaint to any game warden or officer authorized to make arrest for such offenses.

E. No person shall operate a motor-driven conveyance on lands that are fenced and posted or are in cultivation without permission of the landowner, lessee or occupant.

F. The consent of any owner, lessee or occupant of land authorizing a person to hunt, take, fish or engage in any recreational activity upon the land of any such owner, lessee or occupant shall not be construed to create any additional duty of care or impose any additional liability other than specified by Sections 16-71.2 and 16-71.3 of Title 2 of the Oklahoma Statutes.

G. The obtaining of consent from any owner, lessee or occupant of land authorizing a person to hunt, take, fish or engage in any recreational activity shall not relieve the authorized person using the land from any obligation which the person may have in the absence of obtaining such consent to exercise care in the use of such land and in activities thereon, or from the legal consequences of failure to employ such care.

H. 1. It shall be an affirmative defense to prosecution under subsection A of this section that the accused had express or implied permission or legal authority to be on the property.

2. If an accused reasonably believed he or she was upon property for which they had permission to be upon, it shall be an affirmative defense to prosecution under subsection A of this section that the accused had with him or her, on his or her person, written permission from the surface owner, surface lessee, hunting lessee, or lawful occupant to be upon such person's land while the accused was upon any adjoining property. This defense shall not be available to the accused if:

- a. the accused has previously pled guilty, nolo contendere, or has been convicted of any act of trespass or has been found civilly liable of any act of trespass, or

b. the accused, while the accused was upon the adjoining property, does not have with him or her, on his or her person, the written permission specified in this paragraph.

I. Any person convicted for the first time of violating any provisions of this section shall be guilty of a misdemeanor and punished by the imposition of a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or by imprisonment in the county jail for thirty (30) days, or by both fine and imprisonment.

J. Any person convicted for the second or subsequent time of violating any provisions of this section shall be guilty of a misdemeanor and punished by the imposition of a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail for not less than six (6) months, or by both fine and imprisonment.

Added by Laws 1974, c. 17, § 5-202, emerg. eff. April 8, 1974.

Amended by Laws 1977, c. 49, § 1; Laws 1984, c. 122, § 1, eff. Nov. 1, 1984; Laws 1991, c. 182, § 30, eff. Sept. 1, 1991; Laws 1993, c. 214, § 6, eff. Sept. 1, 1993; Laws 2006, c. 149, § 1, eff. Nov. 1, 2006; Laws 2007, c. 48, § 1, eff. Nov. 1, 2007; Laws 2012, c. 200, § 1, eff. Nov. 1, 2012.

§29-5-202.1. Revocation of hunting or fishing license.

A. Any hunting or fishing license issued to a person by the Department of Wildlife Conservation shall be automatically revoked on final conviction of the person of an offense under subsection J of Section 5-202 of Title 29 of the Oklahoma Statutes. The revocation shall be for a period set by the court of not less than one (1) year or more than ten (10) years. If the court does not set a period, the revocation shall be for one (1) year from the date the conviction becomes final. During this period of revocation, the Department shall not issue that person a hunting or fishing license. If the court does not set a period, the Department shall not issue that person a license before the first anniversary of the date the conviction becomes final.

B. A person who has a license or permit revoked under this section shall surrender the revoked license or permit to the court. The court shall send the Department of Wildlife Conservation the revoked license and a copy of the judgment of conviction.

C. For purposes of this section, "final conviction" shall include a plea of guilty or nolo contendere to or the imposition of deferred adjudication for an offense.

Added by Laws 2012, c. 200, § 2, eff. Nov. 1, 2012.

§29-5-203. Carrying firearms while training dogs.

A. A hunting dog trainer may carry shotguns or firearms on public or private property, other than state parks where hunting game to kill is prohibited, while training bird hunting dogs provided that:

1. The trainer notifies the game warden in the region prior to going into the field;

2. The trainer has a dog training shoot to kill license, issued by the Oklahoma Department of Wildlife Conservation. The fee for the license shall not exceed Ten Dollars (\$10.00) per year;

3. The trainer has a current receipt from a licensed commercial or noncommercial game breeder of the propagated bird which is being released for the training purposes, stating the number of birds and the date obtained or has proof that the bird was reared by the trainer; and

4. All propagated birds so used are tagged or banded prior to their release. The use of a bird hunting dog may be permitted in the legal hunting of quail, dove, prairie chickens, pheasant and waterfowl.

B. A person may carry a pistol while training a bird dog without having met the provisions of paragraphs 1 through 4 of subsection A of this section.

Added by Laws 1974, c. 17, § 5-203, emerg. eff. April 8, 1974.

Amended by Laws 1977, c. 184, § 1; Laws 1991, c. 182, § 31, eff.

Sept. 1, 1991; Laws 2010, c. 80, § 1, emerg. eff. April 12, 2010.

§29-5-203.1. "Headlighting" - Lights carried on person - Hunting from boat with firearm - Harassment, attempt to capture, take or kill with aid of motor-driven land, air or water conveyance.

A. No person may attempt to take, take, attempt to catch, catch, attempt to capture, capture, attempt to kill, or kill any deer, feral animal or other wildlife except fish and frogs by the use of a vehicle mounted spotlight or other powerful light at night, by what is commonly known as "headlighting". Provided, however, nothing in this section shall prevent one from possessing a .22 caliber rimfire rifle or .22 pistol and a light carried while in pursuit of furbearers with hounds during the legal, open furbearers season, while possessing a valid hunting license.

B. Any person may use a shotgun, using No. 6 size shot or smaller, longbow, light and a call for the purpose of hunting predatory animals, provided that written permission is obtained from the local game warden for each twenty-four-hour period of hunting.

C. It shall be illegal to hunt from a boat with a firearm from sunset until one-half (1/2) hour before sunrise. This shall not pertain to hunting of waterfowl enroute from bank to blind with unloaded shotguns.

D. Except as otherwise provided for in this section, no person may harass, attempt to capture, capture, attempt to take or take,

kill or attempt to kill any wildlife with the aid of any motor-driven land, air or water conveyance. A nonambulatory person may hunt from said conveyances with written permission of the Director of Wildlife Conservation. A person may hunt from an air conveyance if issued a permit pursuant to Section 1 of this act. Nothing in this section shall prevent the use of motor-driven land or water conveyances for following dogs in the act of hunting, when use is restricted to public roads or waterways. Motor-driven land or water conveyances may be used on private property for following dogs in the act of hunting with the permission of the landowner or occupant.

E. Employees of the Oklahoma Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources shall be exempt from the provisions of this section.

F. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) for a first offense and not less than Five Hundred Dollars (\$500.00) for a second offense or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by confiscation pursuant to Section 5-402 of this title or by such fine, imprisonment and confiscation.

Added by Laws 1991, c. 182, § 32, eff. Sept. 1, 1991. Amended by Laws 1996, c. 152, § 1, emerg. eff. May 7, 1996; Laws 2000, c. 191, § 2, eff. Nov. 1, 2000; Laws 2009, c. 154, § 2, eff. Nov. 1, 2009.

§29-5-203.2. See the following versions:

OS 29-5-203.2v1 (SB 819, Laws 2013, c. 261, § 1, effective **until** Nov. 1, 2020).

OS 29-5-203.2v2 (HB 1198, Laws 2017, c. 229, § 6, effective Nov. 1, 2020).

§29-5-203.2v1. Restrictions on laser sighting devices - Exceptions. **THIS TEXT EFFECTIVE UNTIL NOV. 1, 2020. FOR TEXT EFFECTIVE BEGINNING NOV. 1, 2020, SEE OS 29-5-203.2v2.**

A. Except for battery-powered scoping devices that project a light or dot inside the scope and pin sight lights on archery equipment, no person shall use a laser sighting device as a hunting aid.

B. Nothing in this section shall prevent a person from possessing a .22 caliber rimfire rifle or pistol with a laser sighting device while hunting or taking furbearers with hounds during the legal, open furbearer season, while possessing a valid hunting license.

C. As used in this section, "laser sighting device" means any artificial light of any form that casts or reflects a beam of light onto or otherwise illuminates wildlife.

D. The provisions of subsection A of this section shall not apply to persons who are one hundred percent (100%) disabled as certified by the Social Security Administration or the United States Department of Veterans Affairs or who are certified as being legally blind by a physician licensed in this state or any state which borders this state if the person is hunting on private property and is accompanied by a licensed hunter.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Added by Laws 2013, c. 261, § 1, eff. Nov. 1, 2013.

§29-5-203.2v2. Restrictions on laser sighting devices - Exceptions.
THIS TEXT EFFECTIVE BEGINNING NOV. 1, 2020. FOR TEXT EFFECTIVE UNTIL NOV. 1, 2020, SEE OS 29-5-203.2v1.

A. Except for battery-powered scoping devices that project a light or dot inside the scope and pin sight lights on archery equipment, no person shall use a laser sighting device as a hunting aid.

B. Nothing in this section shall prevent a person from possessing a .22 caliber rimfire rifle or pistol with a laser sighting device while hunting or taking furbearers with hounds during the legal, open furbearer season, while possessing a valid hunting license.

C. As used in this section, "laser sighting device" means any artificial light of any form that casts or reflects a beam of light onto or otherwise illuminates wildlife.

D. The provisions of subsection A of this section shall not apply to persons who are:

1. One hundred percent (100%) disabled as certified by the Social Security Administration;

2. One hundred percent (100%) disabled as certified by the United States Department of Veterans Affairs and registered with the veterans registry created by the Oklahoma Department of Veterans Affairs; or

3. Certified as being legally blind by a physician licensed in this state or any state which borders this state if the person is hunting on private property and is accompanied by a licensed hunter.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

F. The Oklahoma Wildlife Conservation Commission shall promulgate any rule necessary to implement the provisions of this section.

Added by Laws 2013, c. 261, § 1, eff. Nov. 1, 2013. Amended by Laws 2017, c. 229, § 6, eff. Nov. 1, 2020.

§29-5-204. Hunting or discharge of firearm near public place - Shooting from or across highway or railroad right-of-way.

A. No person may hunt, pursue game or discharge firearms within four hundred and forty (440) yards of any church, schoolhouse, or other public place where people may assemble, so as to disturb such assemblage.

B. No person may shoot from or across a public road or highway or right-of-way thereof, or railroad right-of-way.

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00). Persons convicted of a second or subsequent offense under this section shall be punished by a fine of not less than One Thousand Five Hundred Dollars (\$1,500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail for thirty (30) days, or by both imprisonment and fine.

D. The provisions of this section shall not apply to any peace officer in the performance of their duties.

Added by Laws 1974, c. 17, § 5-204, emerg. eff. April 8, 1974.

Amended by Laws 1988, c. 154, § 1, operative July 1, 1988; Laws 1988, c. 208, § 2, eff. July 1, 1988; Laws 1993, c. 264, § 8, eff. Sept. 1, 1993; Laws 1999, c. 122, § 1, emerg. eff. April 26, 1999; Laws 2011, c. 142, § 2, eff. Nov. 1, 2011.

§29-5-205. Required clothing for hunting.

A. No person after January 1, 1980, may hunt any deer or elk with legal firearms unless such person is wearing a head covering and an outer garment above the waistline, both totaling five hundred (500) square inches or more of clothing, both consisting of daylight fluorescent orange color totaling not less than four hundred (400) square inches, and both to be worn conspicuously on the person.

B. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

Laws 1974, c. 17, § 5-205, emerg. eff. April 8, 1974; Laws 1978, c. 113, § 1; Laws 1985, c. 67, § 1, eff. Nov. 1, 1985.

§29-5-206. Falconry provisions - Use - Transportation - Fine.

A. Falconry is a legal method for hunting and taking resident Oklahoma game, pursuant to the provisions of this section.

B. Any exotic species of hawk, falcon, owl, eagle, or other raptor and any native species of hawk, falcon, owl, eagle, or other raptor as provided in Section 5-410 of this title, may be used for the sport of falconry. Hawks, falcons, owls, eagles, and other raptors which are bred in captivity in accordance with federal regulations may be sold, possessed, traded or bartered, by persons

licensed as required under Section 4-107 of this title, and may be possessed, trained and used only by persons licensed under Section 4-108 of this title.

C. Hawks, falcons, owls, eagles, and other raptors may be transported into and out of the state, only as provided by Sections 7-602 and 7-801 of this title. However, persons possessing a valid Oklahoma falconer's license or equivalent license from another state and who are in compliance with federal law may transport raptors into and out of the state without notifying the Director of Wildlife Conservation.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Added by Laws 1974, c. 17, § 5-206, emerg. eff. April 8, 1974. Amended by Laws 1975, c. 16, § 1, emerg. eff. March 4, 1975; Laws 1986, c. 76, § 1, eff. July 1, 1986; Laws 1991, c. 116, § 2, eff. Sept. 1, 1991; Laws 1992, c. 149, § 3, emerg. eff. April 30, 1992; Laws 2009, c. 65, § 2, emerg. eff. April 20, 2009.

§29-5-207. Nest or eggs of game birds - Taking or destroying.

It shall be unlawful to willfully and intentionally take or destroy at any time the nest or eggs of any game bird, except as specifically permitted by law. Any person found guilty of a violation of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for thirty (30) days, or by both such imprisonment and fine.

Laws 1974, c. 17, § 5-207, emerg. eff. April 8, 1974.

§29-5-208. Falconry field meets.

Nothing in this Code shall prevent an organized group from holding field meets which are conducted according to provisions of state falconry regulations, provided such meets shall first be registered with the Oklahoma Department of Wildlife Conservation and held in accordance with rules declared by the Oklahoma Wildlife Conservation Commission.

Laws 1975, c. 16, § 3, emerg. eff. March 4, 1975.

§29-5-209. Repealed by Laws 2010, c. 393, § 2, eff. July 1, 2010.

§29-5-210. Repealed by Laws 2010, c. 393, § 3, eff. July 1, 2010.

§29-5-211. Repealed by Laws 2010, c. 393, § 4, eff. July 1, 2010.

§29-5-212. Obstruction of shooting, hunting, fishing and trapping prohibited - Landowner's rights - Penalties - Exemptions.

A. A person may not willfully obstruct or impede the participation of any individual in the lawful activity of shooting, hunting, fishing or trapping in this state. Provided, that nothing in this section shall prohibit a landowner or lessee from exercising their lawful rights of prohibiting hunting, fishing or trapping on their land, or any other legal right.

B. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

C. Any person convicted of violating this section shall be liable to the person to whom they interfered with for all costs and damages resulting therefrom. If said person holds an Oklahoma hunting, fishing or trapping license at the time of conviction, such license shall be revoked.

D. This section of law shall not prevent a game warden from performing his enforcement duties and any Department of Wildlife Conservation employee from performing his duties in working with the sportsmen of this state.

Laws 1987, c. 142, § 1, eff. July 1, 1987; Laws 1991, c. 182, § 33, eff. Sept. 1, 1991.

§29-5-213. Crossbow and longbow - Mechanical assistance to hold at full or partial draw.

The use of crossbows and conventional longbows with a device that permits the bow to be held mechanically at full or partial draw, shall be a legal hunting method during any open season when conventional longbows are a legal means of take.

Added by Laws 2010, c. 393, § 1, eff. July 1, 2010.

NOTE: Editorially renumbered from Title 29, § 213 to provide consistency in numbering.

§29-5-301. Limitation on predator control devices - Procedures for use.

A. No person may set or use at any time any poison, cyanide coyote getter, or other similar device, using cyanide gas or other poisonous gas as the lethal agent, for the purpose of killing predators, except in accordance with the following conditions and procedures:

1. Signs of a size and character and with wording to be determined by the State Department of Agriculture, indicating the presence of cyanide coyote getters or other similar device using cyanide gas or other poisonous gas as the lethal agent, shall be posted on all properties where said coyote getters are set to the right and left of all entrances from public roads and highways and from adjacent lands and at corners of perimeter fences.

2. Such devices shall not be set from April 1 to September 30 of each calendar year.

3. All signs as required by this article shall be in place twenty-four (24) hours before said devices are set and shall be properly maintained in place during the permission period herein provided.

4. A game warden may issue a permit for the setting of such devices and such permit must be obtained prior to the setting of such devices. Each permit shall be made in triplicate, the original to be retained by the landowner concerned, one copy retained by the game warden and the other copy mailed immediately to the Department for its permanent record.

5. In applying for a permit, the landowner shall state the number of devices to be set and the approximate location to the nearest forty (40) acres.

6. Written permission permits required by this section shall cover a period not exceeding six (6) months; provided, however, that said permits shall be subject to renewal for a like period of time.

7. All signs required by this section shall be removed at the end of the permission period, unless said permit is renewed prior to the expiration date thereof.

8. No predator control devices shall be on any property without the written permission of the record owner or lessee thereof.

B. Predatory control conducted by the State Department of Agriculture or the Oklahoma Department of Wildlife shall be exempt from provisions of paragraphs 4, 5 and 6 of subsection A of this section.

C. The Director may issue depredation permits to landowners for control of any nuisance wildlife.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. Laws 1974, c. 17, § 5-301, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 34, eff. Sept. 1, 1991; Laws 1992, c. 149, § 4, emerg. eff. April 30, 1992.

§29-5-401. Wildlife Conservation Commission - Seasons - Rules.

A. The Wildlife Conservation Commission is authorized to declare an open season on wildlife in any counties or parts of counties of this state where, in the judgment of the Commission, such wildlife exists in sufficient quantity to warrant such open season, and such open season shall be declared by Commission resolution not less than ten (10) days before the season is opened.

B. The Commission may designate any two (2) consecutive days after the open season declared for hunting deer to be senior citizen's hunting days. During those two (2) days only legal

residents of Oklahoma who are sixty-four (64) years of age or older may hunt deer provided the person has a valid license as otherwise provided by law.

C. The Commission is further authorized to declare an open season on mountain lions and black bears.

D. Except as provided in subsection E of this section, the Commission is further authorized to prescribe rules necessary to the proper conduct and policing of such open season, the amount and kind of wildlife that may be taken, and the dates and time limits of such season.

E. Any bowfishing season set for nongame fish by the Commission for the Upper Illinois River shall include the following:

1. Upstream from the Horseshoe Bend boat ramp to where State Highway 51 crosses the Illinois River bowfishing is permitted from June 1 to March 31; and

2. Upstream from where State Highway 51 crosses the Illinois River bowfishing is permitted from December 1 through March 31.

F. The Commission is further authorized to require any person participating in such open season or hunting in open areas during open season to procure, under rules prescribed by the Commission, a special permit or license to participate in such season or hunt in such areas during open season and to charge residents not to exceed Twenty Dollars (\$20.00), nonresidents not to exceed Seventy-five Dollars (\$75.00) and further providing that Five Dollars (\$5.00) of this fee shall be set aside for compensation to Oklahoma surface holders participating in the Acres for Wildlife Program at a rate to be determined by the Wildlife Conservation Commission. No exemptions shall be permitted.

G. Open seasons, closed seasons, bag limits, catch limits, possession limits and territorial limitations set forth in the statutes of this state, pertaining to wildlife of every sort, are hereby declared to be based on the existence of a normal population of such species of wildlife, compatible with and not damaging to the proper agricultural use of the lands of the state.

H. Such seasons, catch limits, bag limits, possession limits and territorial limitations as set by statute shall prevail and be in full force and effect for each and every species of wildlife to which they pertain so long as the population or numbers of such wildlife species remain normal or are not damaging or endangering crops or proper agricultural use of the lands of the state.

I. The Commission in session, and after having given ten (10) days' public notice of such meeting being called and the purpose of such meeting, the species of wildlife to be considered and the reasons therefor, shall have the right to determine if there does or does not exist a normal population of the wildlife species under consideration, which does or does not endanger the crops of the state or of any certain areas, or the agricultural use of the lands

therein. In the event the consideration is other than statewide, the Commission shall meet at the most convenient place to the people of the area in the area being considered. All meetings shall be open to the public and proper records of those appearing and testifying shall be made. If the Commission, after hearing and after investigation, finds that the populations of the wildlife species under hearing are not normal or that they are not compatible to the agricultural use of the lands or are damaging or endangering the farm crops of the area, they shall, by administrative order, make the necessary changes by either extending, shortening, opening or closing such seasons, and change such bag limits, catch limits and possession limits, and regulate methods or devices for taking, killing or capturing of the wildlife species affected in any area or areas covered by the notice of meeting and hearing, except as otherwise set by the Legislature.

J. Such administrative order shall take effect after publication in at least one newspaper of general state circulation, or in a newspaper having circulation in the territory affected. A copy of all such orders shall, before publication, be filed with the Secretary of State, and such order shall not be construed as authorizing the Commission to change any penalty for violating any game law or regulation or change the amount of any license established by the Legislature.

Added by Laws 1974, c. 17, § 5-401, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 238, § 6, emerg. eff. May 30, 1975; Laws 1981, c. 129, § 1; Laws 1990, c. 164, § 1; Laws 1992, c. 149, § 5, emerg. eff. April 30, 1992; Laws 1996, c. 182, § 1; Laws 1998, c. 178, § 1, eff. July 1, 1998; Laws 2003, c. 160, § 12, eff. July 1, 2003; Laws 2006, c. 131, § 1, eff. July 1, 2006; Laws 2013, c. 169, § 1, eff. Nov. 1, 2013.

§29-5-401A. Determination of overpopulation of deer - Implementation of plan pursuant to Section 5-401.

The Wildlife Conservation Commission shall immediately develop a plan to address the overpopulation of deer in various areas of this state. If the Commission determines pursuant to Section 5-401 of Title 29 of the Oklahoma Statutes that there is an overpopulation of deer in one or more of the areas, the Commission shall implement such portions of the plan as are appropriate pursuant to Section 5-401 of Title 29 of the Oklahoma Statutes.

Added by Laws 2000, c. 68, § 1, emerg. eff. April 14, 2000.

§29-5-402. Punishment for violations of this article.

A. Any person convicted of violating any provision of Section 5-203 and Sections 5-401 through 5-410 of this title, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Any person convicted of violating any provision of Sections 5-411 and 5-412 of this title, shall be

punished by a fine not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Two Hundred Fifty Dollars (\$1,250.00) or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

B. The State of Oklahoma, on relation of the district attorney, is hereby authorized to institute legal action against the owner or operator of any air, land or water conveyances, firearms or other items or equipment used, if the owner or operator is found guilty of a violation of Section 5-411 or 5-412 of this title.

The legal proceedings shall subject all of the above-mentioned items to seizure and forfeiture proceedings pursuant to Section 7-206 of this title, if it is found that the items were used as an aid in violation of Section 5-411 or 5-412 of this title.

C. A court in this state, on relation of the district attorney, may order the suspension, revocation, or denial of the hunting and fishing license privileges of a person found guilty of violation of Section 5-411 or 5-412 of this title for a period of time as determined by the court to be consistent with the violation committed and based on previous conviction history, not to exceed a maximum of ten (10) years. Upon completion of the suspension or revocation period, the person may apply for a new hunting or fishing license or reinstatement of the lifetime license the person held by paying a reinstatement fee of Two Hundred Dollars (\$200.00) for residents and Five Hundred Dollars (\$500.00) for nonresidents. The reinstatement fee shall be in addition to any other fees required for the hunting and fishing license.

Added by Laws 1974, c. 17, § 5-402, emerg. eff. April 8, 1974.

Amended by Laws 1988, c. 113, § 1, operative July 1, 1988; Laws 1991, c. 182, § 35, eff. Sept. 1, 1991; Laws 2010, c. 80, § 2, emerg. eff. April 12, 2010.

§29-5-403. Bullfrogs.

A. Except as otherwise provided, no person may take, kill or capture more than fifteen (15) bullfrogs in any one day during open season as declared by the Commission; nor may any person sell bullfrogs or ship them out of the state at any time.

B. Persons exempt from the above subsection are persons licensed under Section 4-102 of this Code, who take, kill, capture, sell or ship those bullfrogs raised in their enterprise.

Laws 1974, c. 17, § 5-403, emerg. eff. April 8, 1974.

§29-5-404. Cottontail or swamp rabbits.

Except as otherwise provided by law, no person may ship either a live or dead cottontail or swamp rabbit from this state.

Laws 1974, c. 17, § 5-404, emerg. eff. April 8, 1974; Laws 1992, c. 149, § 6, emerg. eff. April 30, 1992.

§29-5-405. Furbearers.

A. Except as otherwise provided, no person may hunt, kill, capture or otherwise take or destroy any furbearer, except from the first day of December to the last day of February, both dates inclusive.

B. Any person who takes a pelt or pelts during the season shall have ten (10) working days after the close of the season to sell or dispose of the pelts or to provide written notification to the Department of Wildlife Conservation that the person intends to hold the pelts for later sale. Written notification shall be made on a form prescribed by the Department.

C. Nothing contained in these provisions shall prevent the killing of furbearers actually found destroying livestock, poultry or exotic livestock, nor the running or chasing of fox, bobcat and raccoon with dogs for sport only. For purposes of this section, the term "exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

Added by Laws 1974, c. 17, § 5-405, emerg. eff. April 8, 1974.

Amended by Laws 1977, c. 171, § 3, eff. Oct. 1, 1977; Laws 1993, c. 36, § 7, eff. July 1, 1993; Laws 1996, c. 135, § 2, eff. July 1, 1996; Laws 2006, c. 131, § 2, eff. July 1, 2006; Laws 2009, c. 110, § 1, eff. Nov. 1, 2009.

§29-5-406. Migratory birds.

No person may hunt, capture or kill any species of migratory birds, including but not limited to ducks, brant, and geese, except as provided in the Treaties of the United States and Acts of Congress relating to such endeavors, and as annually fixed by the federal department in control of migratory birds and the Commission.

Laws 1974, c. 17, § 5-406, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 36, eff. Sept. 1, 1991.

§29-5-406.1. Double-crested Cormorant - Nuisance.

The Double-Crested Cormorant, often popularly referred to as a "water turkey", is hereby declared a nuisance. As such, the Oklahoma Department of Wildlife Conservation will work with the United States Fish and Wildlife Service and the Oklahoma Congressional Delegation to eliminate international treaty protection for the cormorant and implement maximum control measures, including but not limited to setting hunting seasons as appropriate.

Laws 1992, c. 158, § 1, emerg. eff. May 5, 1992.

§29-5-407. Quail.

A. The hunting or killing of quail may be only by use of a shotgun, longbow or by falconry, and then only between sunrise and sunset.

B. At no time shall any quail or covey be shot while resting on the ground, commonly called "pot shooting."

Added by Laws 1974, c. 17, § 5-407, emerg. eff. April 8, 1974.

Amended by Laws 1994, c. 318, § 14, emerg. eff. June 8, 1994.

§29-5-408. Raccoons.

No person may cut down or remove a tree being used as a den by raccoons unless specific permission for such cutting or removal has been given by the owner or lessee of the land.

Laws 1974, c. 17, § 5-408, emerg. eff. April 8, 1974.

§29-5-409. Squirrels.

A. Except as otherwise provided by law, no person may capture or kill squirrels except between May 15 to January 31, both dates inclusive, nor shall such person bag or possess more than two (2) day's limit after the second day's hunt. Bag limits shall be set by the Commission.

B. No person may cut down or remove a tree being used as a den or nest by squirrels unless specific permission for such cutting or removal has been given by the owner or lessee of the land.

Added by Laws 1974, c. 17, § 5-409, emerg. eff. April 8, 1974.

Amended by Laws 1992, c. 149, § 7, emerg. eff. April 30, 1992; Laws 1995, c. 48, § 1, emerg. eff. April 10, 1995.

§29-5-410. Hawks, falcons, owls, eagles.

A. Except as otherwise provided, no person may knowingly and willfully, by means of any device, molest, injure or kill any species of hawk, falcon, owl or eagle, their nests, eggs or young.

B. Birds exempt from this provision are:

1. Any species of hawk or owl in the act of destroying domestic birds or fowl;

2. Any species of hawk, falcon, owl or eagle, except those species prohibited by federal law, when taken by a licensed falconer for use in the practice of falconry, as provided in Section 5-206 of this Code.

Laws 1974, c. 17, § 5-410, emerg. eff. April 8, 1974; Laws 1975, c. 16, § 2, emerg. eff. March 4, 1975.

§29-5-411. Antelope, moose, whitetail or mule deer, bear, elk, mountain lion, Rocky Mountain bighorn sheep, wild turkey or subspecies - Hunting, selling, buying - Seizure of meat, head, hide or any part of carcass.

A. 1. Except for owners and operators of farmed or commercial cervidae facilities licensed pursuant to the Oklahoma Farmed Cervidae

Act, no person, including but not limited to persons licensed for commercial hunting or wildlife breeders, may hunt, chase, capture, shoot, shoot at, wound, attempt to take or take, attempt to kill or kill, or slaughter an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, Rocky Mountain bighorn sheep, wild turkey, or any subspecies except in open season under Section 5-401 of this title.

2. Unless legally harvested from a commercial hunting area, no person shall sell, offer for sale or buy or offer to buy an antelope, moose, whitetail or mule deer, bear, elk, mountain lion, rocky mountain bighorn sheep, wild turkey, or any subspecies or any parts thereof, except as provided by:

- a. rules prescribed by the Wildlife Conservation Commission,
- b. any federal laws or regulations, or
- c. the Oklahoma Farmed Cervidae Act.

3. The provisions of this subsection shall not be construed to prevent a hide, antlers or horns from a legally taken whitetail or mule deer, elk, moose, antelope or Rocky Mountain bighorn sheep from being sold or traded by a person who legally harvested or who legally possesses the hide, antlers or horns, including a person who has obtained legal possession of the hide, antlers, or horns after being given to the person for taxidermic preparation. Except as otherwise provided, any antlers or horns sold or traded pursuant to this subsection shall have been removed from the skull of the animal in such a way as to leave no portion of the skull attached. The owner or operator of a farmed or commercial cervidae facility may sell or trade the antlers or horns of a farmed or commercial cervidae with the skull attached as provided for in the Oklahoma Farmed Cervidae Act. Upon request, the Director of Wildlife Conservation may grant an exemption from the restrictions of this paragraph to allow a person who has legally harvested or who is in legal possession of the antlers or horns from a legally taken animal to sell or trade the antler or horns with the skull attached.

B. 1. It shall be unlawful for any person to have in their possession any meat, head, hide or any part of the carcass of any wildlife not legally taken.

2. Any meat, head, hide or any part of the carcass of any wildlife not legally taken shall be subject to immediate seizure by a game warden.

3. The provisions of this subsection shall not apply to privately owned domesticated animals designated by the Wildlife Conservation Commission or farmed cervidae facilities licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. Persons excepted from the provisions of this section are:

1. Department employees when in the performance of their duties;
and

2. Authorized agents when appointed under Section 3-202 of this title.

Added by Laws 1974, c. 17, § 5-411, emerg. eff. April 8, 1974.

Amended by Laws 1987, c. 128, § 1, emerg. eff. June 2, 1987; Laws 1989, c. 153, § 1, operative July 1, 1989; Laws 1991, c. 182, § 37, eff. Sept. 1, 1991; Laws 1996, c. 135, § 3, eff. July 1, 1996; Laws 2000, c. 122, § 1, eff. Nov. 1, 2000; Laws 2000, c. 256, § 1, eff. Nov. 1, 2000; Laws 2006, c. 138, § 17, eff. Nov. 1, 2006; Laws 2010, c. 360, § 9, eff. July 1, 2010.

§29-5-411.1. Taxidermist sale of unclaimed specimen - Requirements.

A. Any taxidermist may sell any unclaimed specimen left in his or her possession in excess of six (6) months following notification by telephone that the specimen is completed provided that such person complies with the following requirements:

1. Each taxidermist shall keep on file the name, address, hunting license number, and any other information as may be required by the Oklahoma Department of Wildlife Conservation relating to the owner of the unclaimed specimen;

2. Each taxidermist shall provide to the hunter who brings in a specimen a form to read as follows: "When your specimen is finished, you will be notified by telephone that your specimen is ready for pick up. If you do not pick up and pay any balances on your specimen within six (6) months after that call, Oklahoma law allows taxidermists to sell any unclaimed specimen to recover costs in preparing the specimen."; and

3. Each taxidermist may sell the unclaimed specimen for an amount not to exceed the original price for mounting, preserving, tanning, or otherwise preparing the unclaimed specimen and any cost for notification, and shall only sell the unclaimed specimen to legal residents of Oklahoma.

B. As used in this section, "taxidermist" means a person who, for consideration, mounts, preserves, or otherwise prepares the body of any bird, animal, or fish, or any other part thereof, for display. Added by Laws 2010, c. 155, § 1, eff. Nov. 1, 2010.

§29-5-411.2. Taxidermy specimen of native wildlife - Estate sale.

A. A taxidermy specimen of native wildlife may be sold at an estate sale only if the specimen is a part of the personal property of an owner whose estate is being liquidated at the sale and the Director of Wildlife Conservation grants written permission prior to the sale. The Director may require submission of any documents or information as is necessary to determine the reason for and type of sale that is being conducted.

B. 1. The provisions of this section shall not apply to a taxidermy specimen of:

- a. privately owned domesticated animal as defined in Section 2-108.1 of Title 29 of the Oklahoma Statutes,
- b. farmed cervidae from a farmed cervidae facility licensed pursuant to the Oklahoma Farmed Cervidae Act,
- c. any exotic wildlife as defined in Section 2-109.1 of Title 29 of the Oklahoma Statutes,
- d. any wildlife or domesticated animal legally harvested from a commercial hunting area licensed pursuant to Section 4-106 of Title 29 of the Oklahoma Statutes, and
- e. any native wildlife, the selling, buying, or trading of which is otherwise allowed by state law.

2. The provisions of this section shall not be construed to allow the selling, buying or trading of a taxidermy specimen of any wildlife which is otherwise prohibited by state law or by federal law or regulation, including but not limited to migratory birds.

C. For purposes of this section:

1. "Estate sale" means a type of sale or auction to dispose of a substantial portion of the real or personal property owned by a person who is recently deceased or owned by a person who must dispose of property to facilitate a move into a situation where the person will be unable to keep the property, such as to an assisted living facility, retirement community, rest home or other living quarters. Estate sales may be held by the survivors of a deceased, by a person unable to keep the property because of a move, ordered by a court or mandated in the will of a deceased. Estate sales may be conducted by a professional auctioneer or liquidator who may charge the estate a percentage of the revenues from the sales and other fees and costs incurred; and

2. "Taxidermy specimen" means the body of any native wildlife, or any other part thereof, that has been mounted, preserved or otherwise prepared for display.

Added by Laws 2011, c. 128, § 1, emerg. eff. April 29, 2011.

§29-5-412. Endangered or threatened species or subspecies.

Except as otherwise provided by law, no person may possess, hunt, chase, harass, capture, shoot at, wound or kill, take or attempt to take, trap or attempt to trap any endangered or threatened species or subspecies without specific written permission of the Director. In no event, however, may that permission conflict with federal law.

Added by Laws 1974, c. 17, § 5-412, emerg. eff. April 8, 1974.

Amended by Laws 1985, c. 172, § 3, emerg. eff. June 18, 1985; Laws 1992, c. 149, § 8, emerg. eff. April 30, 1992; Laws 2010, c. 80, § 3, emerg. eff. April 12, 2010.

§29-5-412.1. Publication of listing of endangered or threatened species or subspecies.

The Oklahoma Department of Wildlife Conservation shall print a listing of those endangered or threatened species or subspecies protected by this act as part of the published general hunting regulations booklet printed each year.

Laws 1985, c. 172, § 4, emerg. eff. June 18, 1985.

§29-5-413. Mounted specimens of wildlife - Seizure of items, equipment, vehicles or other property.

A. Mounted specimens of wildlife shall be considered as the type of wildlife they represent for purposes of enforcement of Sections 5-202, 5-203.1, 5-401, 5-411 or 8-104 of this title.

B. Such mounted specimens shall not be placed alongside state highways or interstate highways for the purpose of enforcing this title.

C. Any item, equipment, vehicle or other property which is used or operated in violation of Sections 5-203.1, 5-401, 5-411 or 8-104 of this title pursuant to the provisions of this section shall not be subject to seizure and forfeiture under the provisions of this title unless it is the second or subsequent violation of the provisions of this section by the person.

Added by Laws 1991, c. 182, § 38, eff. Sept. 1, 1991. Amended by Laws 2015, c. 208, § 1, emerg. eff. May 1, 2015.

§29-5-414. Repealed by Laws 2012, c. 34, § 1, emerg. eff. April 13, 2012.

§29-5-415. Release of unclaimed, processed, lawfully harvested venison.

A person or business operating as a meat processor in this state may release any unclaimed, processed, lawfully harvested venison to the Department of Wildlife Conservation's Hunters Against Hunger Program after a period of ninety (90) days following notification by telephone to the person who brought the wild game for processing that the wild game has been processed and is available for collection. The meat processor shall receive the normal reimbursement fee from Hunters Against Hunger.

Added by Laws 2012, c. 137, § 1, eff. Nov. 1, 2012.

§29-5-501. Permission to trap on inhabited lands.

A. No person may trap upon the inhabited land of another without first procuring from the owner or occupant of the land written permission to do so.

B. The trapper shall carry the written permission when setting and tending the traps and shall present it for inspection upon demand of any officer authorized to enforce the wildlife conservation laws of this state.

Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Added by Laws 1974, c. 17, § 5-501, emerg. eff. April 8, 1974. Amended by Laws 2015, c. 132, § 2, eff. Nov. 1, 2015.

§29-5-502. Trapping devices.

A. Except as otherwise provided by law, no person may use, set, construct, possess or tend any trap, snare, deadfall or other device for the purpose of catching any wildlife, except fish and frogs, in this state, except:

1. Box traps;
2. Smooth-jawed single-spring or smooth-jawed double-spring offset, leg-hold steel traps with a jaw spread of:
 - a. no more than eight (8) inches for land sets, and
 - b. no more than eight (8) inches for water sets; and
3. Enclosed trigger traps.

B. No trap so used may be set "in the open", or in paths, roads, or runways commonly used by persons, domestic animals or dogs.

C. Any trap set for the purpose of catching any wildlife shall be tended once during each twenty-four (24) hours. All traps shall bear the name of the owner of the traps, except for any traps set on property owned or leased by the owner of the traps. Any person violating this subsection shall, in addition to any criminal penalty, be civilly liable for all damages caused by such violation.

D. On any lands where smooth-jawed double-spring offset traps are used, the posting of signs shall be required at all entrances from public roads and highways. The requirement to post signs shall not apply if the person is trapping on property owned or leased by the person. Size, character and wording of these signs are to be determined by the State Wildlife Conservation Commission.

Employees of the State Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources shall be exempt from the provisions of this section.

E. Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Added by Laws 1974, c. 17, § 5-502, emerg. eff. April 8, 1974. Amended by Laws 1992, c. 149, § 9, emerg. eff. April 30, 1992; Laws 2000, c. 191, § 3, eff. Nov. 1, 2000; Laws 2000, c. 256, § 2, eff. Nov. 1, 2000; Laws 2012, c. 165, § 1, eff. Sept. 1, 2012; Laws 2015, c. 132, § 3, eff. Nov. 1, 2015.

§29-5-503. Repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991.

§29-5-504. Fur dealers' register reports.

A. All persons engaged in the business of buying raw pelts of furbearers or predators, as defined in this Code, shall keep a daily register showing the name and address of every person from whom such pelts were purchased, the number of such person's trapping license, or his hunting license in lieu thereof, the number and kinds of pelts purchased and the price paid.

B. Such daily register shall be open to the Director, game wardens, or authorized agents.

C. All such fur dealers shall report on the first day of each month during and one month after the close of the fur season of all furs bought, and such report shall be forwarded to the Director.

D. Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

Laws 1974, c. 17, § 5-504, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 39, eff. Sept. 1, 1991.

§29-5-601. Wildlife breeders' sale and transportation of wildlife - Tags for selling - Invoices - Records.

A. All licensed wildlife breeders may sell and transport any live wildlife for propagation purposes, may sell and transport minnows for bait if such are lawfully possessed or raised pursuant to this Code, and may sell and transport any live or dead wildlife for food upon compliance with the hereinafter set forth subsections.

B. All wildlife sold for food must be tagged with a metal tag to be supplied by the Department at reasonable prices, such tag to contain such information as the Director may require.

C. All tags shall remain attached to the individual animal, bird or fish until prepared for the consumer and may not be used more than once.

D. The breeder must keep permanent records for up to five (5) years on all wildlife sold and raised and shall contain:

1. The kind and number of species sold, killed, given away, transported or shipped;
2. The name and address of the recipient or consignee; and
3. The date of the transaction.

E. Such records shall be available for inspection at all reasonable times by authorized representatives of the Department.

F. All wildlife dealers may retain their wildlife for a period of up to one hundred twenty (120) days after their licenses expire.

G. Any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).

Laws 1974, c. 17, § 5-601, emerg. eff. April 8, 1974.

§29-5-602. Confinement of wildlife to premises.

A. Except for native cats or bears which are exhibited under an exhibitor's permit issued to a person pursuant to Section 4-107 of this title, all furbearers, game mammals, game birds, game fish and minnows raised under the provisions of this Code shall be confined to the lands or waters described in the application, and the wildlife shall be confined in a manner as to prohibit mammals, birds and fish belonging to the State of Oklahoma from becoming part of the enterprise.

B. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

Added by Laws 1974, c. 17, § 5-602, emerg. eff. April 8, 1974.

Amended by Laws 1994, c. 318, § 15, emerg. eff. June 8, 1994; Laws 2003, c. 188, § 3, eff. July 1, 2003.

§29-6-101. Repealed by Laws 2002, c. 295, § 8, eff. Nov. 1, 2002.

§29-6-102. Repealed by Laws 2002, c. 295, § 8, eff. Nov. 1, 2002.

§29-6-103. Repealed by Laws 2002, c. 295, § 8, eff. Nov. 1, 2002.

§29-6-104. Repealed by Laws 2002, c. 295, § 8, eff. Nov. 1, 2002.

§29-6-105. Repealed by Laws 2002, c. 295, § 8, eff. Nov. 1, 2002.

§29-6-201. Operating provisions for commercial fishermen.

A. No person may net, trap or seine for commercial purposes or assist in such operations or buy, barter or trade any fish without having first obtained a valid commercial fishing license and without observing the following requirements:

1. No nets, traps, seines and other similar devices shall be used closer than one hundred (100) yards from the shore.

2. Except as otherwise provided, no type of set or unattended equipment or gear may have a mesh size of less than three (3) inches square nor shall such be set within four (4) feet of the surface of the water. Exceptions may be provided by the Department:

- a. under specific contracts with the Department.
- b. under experimental netting operations conducted by Department employees or under strict supervision of departmental personnel.
- c. for operations conducted for the specific commercial collection of shad and turtles, the Department may liberalize the type of gear, mesh size and activities of this type of operation. Such liberalization shall be approved by the Commission.

3. All types of set or unattended equipment shall have identification tags, as prescribed by the Department, attached while such equipment is set or unattended in the waters of this state.

4. All commercial fishing operations shall be done under the supervision of a game warden or other regular employee of the Department.

5. No commercial fishermen may possess, have in their possession at their places of business or transport any species of game fish or any striped bass hybrid.

6. All licensees shall send to the Department a true monthly and annual summary of all fish captured and captured and returned to the waters of the state.

7. Any other regulations the Commission decides by resolution.

B. Any equipment used in violation of this section may be confiscated and disposed of according to the law.

C. Any person convicted of violating the provisions of this section shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any conviction of violating the provisions of this section shall prevent licensee from obtaining for a period of one (1) year any subsequent commercial fishing or helper's license or a commercial fishing contract. Conviction of violating any of the provisions of this section shall require mandatory forfeiture of any nets, traps, seines, or similar devices used during said prohibited act. Any such items forfeited shall become the property of the Department to be used as deemed necessary in the research and management of the fishery resources of this state.

Laws 1974, c. 17, § 6-201, emerg. eff. April 8, 1974; Laws 1986, c. 57, § 1, eff. Nov. 1, 1986; Laws 1991, c. 182, § 40, eff. Sept. 1, 1991.

§29-6-202. Contract commercial fishing.

A. Contracts may be awarded by the Department to commercial fishermen and the contract fee to the Department may be a percentage not to exceed two percent (2%) of the total catch value.

B. Commercial fishermen operating under contract shall operate under all of the provisions of Sections 4-103, 4-104, 4-105, 6-201 and 6-203, with the exception that the Commission may liberalize the type of gear, species to be taken, area of operation, net mesh size and other activities of contractors.

Laws 1974, c. 17, § 6-202, emerg. eff. April 8, 1974.

§29-6-203. Setting of seasons.

Seasons on any and all types of commercial fishing shall be set by the Commission.

Laws 1974, c. 17, § 6-203, emerg. eff. April 8, 1974.

§29-6-204. Operating provisions for commercial turtle harvesters.

A. Except as otherwise provided by subsection B of this section, no person may net or trap aquatic turtles for commercial purposes or assist in such operations or buy, barter, trade or export any aquatic turtles from this state without having first obtained a valid commercial turtle harvester's license and without observing the following requirements:

1. All types of traps shall have an identification tag with the owner's name and license number attached and the name and license number of all persons authorized to operate the traps or nets;
2. Aquatic turtles may be harvested for commercial purposes only from private ponds, with permission of the pond owner and from municipal lakes, with written permission of the municipal authority;
3. Traps and nets must be cleaned and emptied at least once every forty-eight (48) hours;
4. Any game or nongame fish trapped or netted during a turtle harvesting operation shall be immediately released to the water; and
5. Legally taken nongame fish and their parts may be utilized for bait in turtle harvesting operations.

B. No person may take for commercial purposes by any means, or assist in any such operations, turtles or aquatic turtles from any scenic river area of this state as such areas are designated pursuant to Section 1452 of Title 82 of the Oklahoma Statutes or from any major river channel specifically designated by rule by the Oklahoma Wildlife Conservation Commission to be restricted from commercial turtle or aquatic turtle harvesting.

C. The Commission may promulgate other rules it deems necessary to implement the provisions of this section.

D. Any equipment used in violation of this section shall be confiscated and become the property of the Department or disposed of according to law.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both such fine and imprisonment.

Added by Laws 1994, c. 318, § 16, emerg. eff. June 8, 1994. Amended by Laws 2015, c. 130, § 1, eff. Nov. 1, 2015.

§29-6-301. Prohibited means of taking game or nongame fish - Trotline, throwline, limblime, or jugline.

A. Except as specifically provided, no person may use at any time in the waters of this state for taking, catching, capturing or killing any game or nongame fish any of the following instrumentalities:

1. A trotline or throwline, except when:
 - a. the name and address of the owner are attached thereto when used in lakes of over one hundred (100) surface acres or navigable rivers and streams;
 - b. no more than three such lines are used at any one time by a person;
 - c. no more than a total of one hundred hooks are used by a person, such hooks being spaced at least twenty-four (24) inches apart;
 - d. such line is not set within three (3) feet of the surface of any reservoir at any point beyond six (6) feet from either point of attachment, provided that this provision shall not apply to waters which are less than three (3) feet in depth in Salt Plains and Fort Supply Reservoirs;
 - e. each line is attended and inspected or removed once every twenty-four (24) hours; and
 - f. the main line is constructed of nonmetallic material.

2. A limblime or jugline to which hooks are attached, except when:

- a. the name and address of the owner are attached thereto when used in lakes of over one hundred (100) surface acres or navigable rivers and streams; and
- b. each line is attended once every twenty-four (24) hours.

B. No person shall take fish from a trotline, throwline, jugline, or limblime of another person without permission from that person.

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

D. Persons exempt from the prohibitions of this section shall be:

1. The Director, department employees or authorized agents when catching, taking or killing any fish for propagation, management or scientific purposes; and

2. Any person possessing a scientific purpose license authorizing such.

Added by Laws 1974, c. 17, § 6-301, emerg. eff. April 8, 1974.

Amended by Laws 1975, c. 130, § 1; Laws 1979, c. 17, § 1; Laws 1982, c. 36, § 1, eff. Jan. 1, 1983; Laws 1986, c. 57, § 2, eff. Nov. 1, 1986; Laws 1991, c. 182, § 41, eff. Sept. 1, 1991; Laws 2000, c. 193, § 1, eff. Nov. 1, 2000.

§29-6-301a. Prohibited means of taking game or nongame fish -
Poison, explosive, or electrical shock devices.

A. No person may use at any time in the waters of this state for taking, catching, capturing or killing any game or nongame fish any of the following instrumentalities:

1. Any rotenone or other poison;
2. Dynamite or other explosive; or
3. Any electrical device used for shocking purpose.

B. Possession of any poison, explosive, device or equipment capable of being used in violation of the provisions of this section, on the bank or in the immediate vicinity of any river, creek, stream, lake or pond shall be prima facie evidence of a violation of the provisions of this section.

C. Any explosive, device or equipment, and any boat, motor or boat and motor in which the same may be found shall be subject to immediate seizure by any game warden, sheriff or deputy sheriff and any such items shall be subject to forfeiture pursuant to the provisions of the Oklahoma Wildlife Conservation Code to the State of Oklahoma in a proceeding brought for such purpose in the county where such items have been found or seized.

D. No person may manufacture, sell, or offer to sell or buy or offer to buy any electrical device designed to shock fish or used for the purpose of shocking fish except when such device is requested by a state or federal agency for scientific fisheries work.

E. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of this section when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

F. Persons exempt from the prohibitions of this section shall be:

1. The Director, department employees or authorized agents pursuant to their duties; and
2. Any person possessing a scientific purpose license authorizing such.

Laws 1991, c. 182, § 42, eff. Sept. 1, 1991.

§29-6-302. The taking of game fish - Bag limits - Penalty.

A. No person may take, kill or catch from any river, creek, lake, state pond or privately owned pond which is stocked by state or

federal fish hatchery any game fish except by means of hook and line attached to a pole or rod, throwline, trotline or with speargun used by divers equipped with self-contained underwater breathing apparatus, except for white bass which may be taken by the use of a gig and blue and channel catfish which may be taken by noodling. No person may sell, offer to sell or have in possession for the purpose of selling any game fish. Game species open to taking by speargun include all except black bass, crappie, striped bass, walleye, northern pike and trout. Upon receiving information that damage to the fish population is occurring in any of the waters of this state, the Wildlife Conservation Commission shall give notice and hold a hearing to determine such fact and may, upon good cause shown, regulate the taking of fish to any extent necessary to protect fish in said waters of this state.

B. Fish taken under subsection A of this section shall be in accordance with the method of taking, length limits and bag limits which shall be set by Commission resolution. Except in certain areas specifically designated as less in rules promulgated by the Wildlife Conservation Commission, the Commission shall not promulgate any rule restricting a person from using up to seven rods while fishing.

C. No nonresident may have upon leaving the state more than a two-day bag limit of any species of game fish.

D. It shall be unlawful for any person to use in the waters of this state a speargun having more than three points with more than two barbs on each point.

E. 1. The portions of the Illinois River and its tributaries above the Horseshoe Bend Boat Ramp on Tenkiller Reservoir shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 1 of each year. The portions of the Illinois River and its tributaries above United States Highway 62 and State Highway 51 shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 31 of each year.

2. Except as otherwise provided for in this paragraph, motorized boats may be used in the upper Illinois River above the Horseshoe Bend boat ramp. Jet skis, jet boats and similar non-propeller-driven watercraft shall be prohibited in the Illinois River above the confluence with Barren Fork Creek, except when used for law enforcement, hazard removal or search and rescue purposes.

F. 1. Except as otherwise provided for in this subsection, any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

2. Any person convicted of violating any provisions of this section by netting, snaglining or selling game fish shall be punished by imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not to exceed thirty

(30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of the provisions of this section by netting, snagging or selling game fish when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and fishing privileges within the state of the person shall be revoked for a period of one (1) year from the date of the conviction.

Added by Laws 1974, c. 17, § 6-302, emerg. eff. April 8, 1974.

Amended by Laws 1986, c. 57, § 3, eff. Nov. 1, 1986; Laws 1992, c. 402, § 2, eff. Dec. 1, 1992; Laws 1993, c. 214, § 8, eff. Sept. 1, 1993; Laws 1999, c. 124, § 1, emerg. eff. April 26, 1999; Laws 2000, c. 237, § 2, emerg. eff. May 24, 2000; Laws 2013, c. 36, § 1, eff. Nov. 1, 2013; Laws 2016, c. 343, § 1, emerg. eff. June 6, 2016.

§29-6-303. Taking of nongame fish.

A. No person may take, kill, or catch or attempt to take, kill, or catch any nongame fish from the waters of this state or assist in any such endeavor in any manner except as follows:

1. By all legal hook and line methods in state waters legally open to these methods; and
2. By nets or seines used to take nongame fish only in such waters as are declared open to such nets or seines by the Commission. Such nets or seines shall:
 - a. be hoop nets with a mesh size no smaller than three-inch square mesh, or gill nets, trammel nets, or seines with a mesh size no smaller than four-inch square mesh, and
 - b. have the name and address of the owner attached thereto if the net is to be left unattended, and
 - c. be attended once every twenty-four (24) hours.

Each license holder shall be limited to a maximum of three hundred (300) feet of net or a total of four hoop nets in the water at any time.

No fish taken pursuant to this noncommercial netting provision can be sold or transported from the state.

Noncommercial netting shall be prohibited statewide during April and May annually; and

3. By arrows, gigs, ropes, grab hooks, spears, and spearguns used by divers equipped with self-contained underwater breathing apparatus. Such gigs or spears may have no more than three points with not more than two barbs on each point; and

4. By noodling; and

5. By cast nets and handheld dip nets used to take only nongame fish as bait for personal use in all waters of the state except those closed by the Commission. The cast nets shall have a mesh size no greater than three-eighths-inch square mesh; and

6. By trawl nets pulled by motor-driven boats. Such nets may be used to take only nongame fish as bait for personal use in all waters of the state except those closed by the Commission. Trawl nets may not exceed three (3) feet in diameter with no greater than three-eighths-inch square mesh.

B. The Commission shall have authority to designate by regulation areas, waters of this state, or parts thereof for the taking, catching, or killing of nongame fish by noodling or by the use of arrows, gigs, cast nets, dip nets, spears, ropes, grab hooks, and spearguns used by divers equipped with self-contained underwater breathing apparatus, and to also designate the times such may be used.

C. 1. Except as otherwise provided in this subsection, any person convicted of violating the provisions of this section shall be punished by the imposition of a fine not less than One Hundred Dollars (\$100.00).

2. Any person convicted of violating the provisions of this section by netting, snaglining or selling nongame fish shall be punished by imposition of a fine of not less than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of the provisions of this section by netting, snaglining or selling nongame fish when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by imposition of a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and all fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

D. Nothing in this section shall prohibit the taking of nongame fish by licensed commercial fishing and commercial minnow seining as provided for in Sections 6-201, 6-202 and 6-401 of this title.

Laws 1974, c. 17, § 6-303, emerg. eff. April 8, 1974; Laws 1975, c. 43, § 1; Laws 1981, c. 193, § 1; Laws 1982, c. 36, § 2, emerg. eff. March 26, 1982; Laws 1983, c. 85, § 1, eff. Nov. 1, 1983; Laws 1984, c. 6, § 1, eff. Nov. 1, 1984; Laws 1986, c. 57, § 4, eff. Nov. 1, 1986; Laws 1989, c. 353, § 5, emerg. eff. June 3, 1989; Laws 1991, c. 182, § 43, eff. Sept. 1, 1991.

NOTE: Laws 1986, c. 51, § 1 repealed by Laws 1989, c. 353, § 5, emerg. eff. June 3, 1989.

§29-6-303.1. Paddlefish products.

A. Except as otherwise provided, no person shall possess:

1. The eggs of more than one paddlefish that are still attached to the egg membrane; or
2. More than three (3) pounds combined of processed paddlefish eggs or fresh paddlefish eggs that have been removed from the egg membrane.

B. Except as otherwise provided, no person shall ship into or out of, transport into or out of, have in possession with the intent to so transport, or cause to be removed from this state raw unprocessed, processed, or frozen paddlefish eggs. No person shall transport paddlefish with viscera out of the state.

C. The provisions of this section shall not apply to:

1. The Director of the Department of Wildlife Conservation, employees of the Department of Wildlife Conservation or authorized agents of the Department who are acting pursuant to their duties;

2. Any paddlefish products which are derived from lawfully propagated fish licensed under rules promulgated by the Wildlife Conservation Commission;

3. Any paddlefish products to which the Director has given an individual specific written authority to transport the product into or out of the state; and

4. Any processed and packaged paddlefish products imported into the state if accompanied by an invoice stating the point of origination of the paddlefish product.

D. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for the first offense and not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00) for a second offense, or by imprisonment in the county jail for a period not to exceed one (1) year, or by confiscation of any equipment used in violation of this section pursuant to the provisions of Section 7-206 of this title, or by a combination of fine, imprisonment and confiscation.

E. In addition to other penalties provided for in this section, any person convicted of taking, possessing or transporting, or acting as an accessory in taking, possessing or transporting processed or unprocessed paddlefish products with a current market value exceeding Five Thousand Dollars (\$5,000.00) shall upon conviction be guilty of a misdemeanor punishable by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment. In addition to the fine and imprisonment provided for in this subsection, any item, equipment, vehicle or other property which is

used or operated in violation of this section shall be seized and may be sold pursuant to the provisions of Section 7-206 of this title. The proceeds of the sale of any item, equipment, vehicle or property that is distributed to the Department of Wildlife Conservation shall be used by the Department to combat the unlawful taking and possession of paddlefish in this state.

F. In addition to other penalties provided for in this section, all fishing licenses and all fishing privileges within the state held by a person convicted of violating the provisions of this section shall be revoked for a period of not less than one (1) year from the date of conviction.

Added by Laws 1997, c. 248, § 2, emerg. eff. May 23, 1997. Amended by Laws 2008, c. 52, § 1, emerg. eff. April 18, 2008; Laws 2012, c. 286, § 1.

§29-6-304. Permission to fish upon the land of another.

A. Except as otherwise provided, no person may fish upon the land of another without the consent of the owner, lessee or occupant of such land.

B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a specified period of time.

C. Excluding land primarily devoted to farming, ranching, or forestry purposes as set forth in Section 1835.2 of Title 21 of the Oklahoma Statutes, areas exempt from the above provision are:

1. Lands not occupied by a resident thereon, unless notice of objection is conspicuously posted upon the premises by the owner or an agent of the owner; and

2. Land of the state which is not leased and occupied by a resident, excluding school land.

D. Any ranger investigating a fisherman in the field has a duty to inform the fisherman that it is necessary to obtain the landowner's or occupier's consent to fish on the particular property provided that prosecution for violations of this section can be commenced only upon written complaint of such owner or occupant filed before any court authorized to punish such violation, or upon written complaint to any game ranger, or officer authorized to make arrest for such offenses.

E. Trespassing on lands which are fenced and exhibit posted signs at all entrances is hereby prohibited. Trespassing on land primarily devoted to farming, ranching, or forestry purposes as set forth in Section 1835.2 of Title 21 of the Oklahoma Statutes is hereby prohibited. Hunters and fishermen in violation of this provision of this Code shall be subject to fines as outlined in subsection F of this section.

F. Any person convicted of violating provisions of this section shall be responsible for any actual damages incurred and shall be

punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for thirty (30) days, or by both such fine and imprisonment for a first violation of this section. Persons convicted of a second or subsequent violation of this section shall be deemed guilty of a misdemeanor and shall be responsible for any actual damages incurred and shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Added by Laws 1974, c. 17, § 6-304, emerg. eff. April 8, 1974.

Amended by Laws 2006, c. 149, § 2, eff. Nov. 1, 2006; Laws 2007, c. 48, § 2, eff. Nov. 1, 2007; Laws 2008, c. 64, § 1, eff. Nov. 1, 2008.

§29-6-305. Stocking of private ponds.

A. The Department may stock fish in privately owned ponds only so long as no fish are illegally taken therefrom or marketed by the owner or with his knowledge or consent.

B. All owners of private ponds, their agents, employees or others who are convicted of violating the provisions of this section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Laws 1974, c. 17, § 6-305, emerg. eff. April 8, 1974.

§29-6-306. Taking of nongame fish.

A. Any boat or vessel, boat trailer, motor, fishing device, vehicle, or equipment used or operated in violation of the provisions of Section 2 of this act, Section 6-301a, subsection A of Section 6-302, paragraph 2 of subsection A of Section 6-303 or Section 4-129 of this title or as otherwise provided by the Oklahoma Wildlife Conservation Code shall be subject to immediate seizure pursuant to Section 7-206 of this title by any game warden, sheriff, deputy sheriff, or other peace officer and held as evidence until a forfeiture has been declared or release ordered.

B. Upon conviction for a violation of the provisions of Section 2 of this act, Section 6-301a, subsection A of Section 6-302, paragraph 2 of subsection A of Section 6-303 or Section 4-129 of this title, any such items, equipment or vehicles used or operated in such violation, shall be subject to forfeiture proceedings pursuant to Section 7-206 of this title brought for such purpose by the district attorney in the county where such items, equipment or vehicles are seized. Such items, equipment and vehicles shall be subject to mandatory forfeiture if said violation occurred within two (2) years of a previous conviction of said person for violating the provisions specified in this section.

Added by Laws 1983, c. 85, § 2, eff. Nov. 1, 1983. Amended by Laws 1986, c. 57, § 5, eff. Nov. 1, 1986; Laws 1988, c. 113, § 2,

operative July 1, 1988; Laws 1991, c. 182, § 44, eff. Sept. 1, 1991; Laws 1997, c. 248, § 3, eff. May 19, 1997.

§29-6-401. Operating provisions for minnow dealers.

A. No person may seine, trap, transport and/or sell any minnows within this state without having a valid minnow dealer's license unless exempted under Section 4-116 of this title and without observing the following requirements:

1. No seines used for seining minnows may have a mesh larger than one-fourth (1/4) inch square, and no such seine shall be longer than seventy (70) feet in length;

2. No licensee may employ more than four helpers or assistants in seining and trapping operations, and each helper or assistant must possess a valid Oklahoma Fishing License;

3. No dealer or employees of the dealer may seine and trap in any river, stream or lake of Oklahoma without having first obtained written permission for such from the owners or tenants of the lands through which such waters flow or lie, and any written permit obtained by the dealer must be upon his person while being upon such lands;

4. All vehicles used to transport minnows by a licensee in accordance with Sections 4-115 and 4-116 of this title must be equipped in such manner as to aerate the water in the containers by pressure methods and such vehicles or containers shall be marked conspicuously by decals bearing the inscription "Commercial Minnow Dealer", such decals to be furnished by the Department, to be placed on the center of each door or on the sides of the containers, and to be defaced in no manner; and

5. All licensees shall send to the Department a true annual summary of all fish and other bait species captured.

B. Any person convicted of violating the provisions of this section shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or confined in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Added by Laws 1974, c. 17, § 6-401, emerg. eff. April 8, 1974.

Amended by Laws 1988, c. 75, § 1, emerg. eff. March 25, 1988; Laws 1996, c. 242, § 4, emerg. eff. May 28, 1996.

§29-6-501. Blocking minnow and fish movement - Commercial minnow harvesting restrictions - Seizure and forfeiture of certain items - Fines and penalties.

A. No person may place or cause to be placed in any creek, river, or stream in Oklahoma any stationary dam, net, trap, or obstacle of any nature for the purpose of blocking or partially blocking any minnow or fish movement up, down, into, or out of any creek, river, or stream. Commercial minnow harvest shall be

prohibited for a distance of one-half (1/2) mile below any structure that diverts, partially diverts, blocks, or partially blocks normal fish movement. This section shall not be construed as to prohibit persons licensed to commercially seine minnows as provided for in the Oklahoma Wildlife Conservation Code from using seines no longer than forty (40) feet in length and no more than one-fourth-inch mesh of nonmetallic material as a temporary block in waters open to the harvest of minnows nor prohibit those legally licensed to dip shad from harvesting shad in the tailwaters of this state. "Temporary block" shall mean no more than four (4) hours at any one location in any twenty-four-hour period.

B. Any dam, net, trap or other obstacle used and operated or intended for use in violation of the provisions of this section shall be removed and is subject to immediate seizure by any person authorized to enforce the provisions of the Oklahoma Wildlife Conservation Code if such person determines the object can be seized. A seized obstacle shall be held as evidence by order of the district attorney in the county where such item was seized until a forfeiture has been declared or a release ordered. Upon competent evidence at a hearing, held for such purpose, that the obstacle was used and operated or intended for use in violation of this section, the court shall order said obstacle forfeited to the state. Upon forfeiture, such items shall be sold at public auction and the proceeds from the sale shall be apportioned one-fourth (1/4) to the Department of Wildlife Conservation and three-fourths (3/4) to the district court in which such proceeding was brought. Any item unable to be seized or sold for any reason may be destroyed under the supervision of the Oklahoma Department of Wildlife Conservation Director.

C. Any person convicted of violating the provisions of this section shall be punished by a fine not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not less than ten (10) days nor more than one (1) year, or by both such fine and imprisonment. Laws 1974, c. 17, § 6-501, emerg. eff. April 8, 1974; Laws 1984, c. 274, § 1, emerg. eff. May 30, 1984; Laws 1992, c. 149, § 10, emerg. eff. April 30, 1992.

§29-6-502. Closing the waters of this state.

A. Any of the waters of this state may be closed by the Commission to any sort of fishing by any person with or without a license, until such time as the Commission may by resolution declare such waters reopened.

B. No person may fish in such closed waters until and except during such time as the Commission shall reopen those waters for fishing.

C. Any person convicted of violating any provision of this section shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than Twenty-five Dollars (\$25.00).
Laws 1974, c. 17, § 6-502, emerg. eff. April 8, 1974.

§29-6-503. City and town wildlife commissions - Powers.

A. Any city council or board of town trustees in any city or incorporated town owning and operating a lake may establish a Wildlife Conservation Commission of three or more members, to be appointed by the city mayor or the board's president.

B. All such appointed commissioners shall serve for a period coterminous with that mayor's or president's term of office and the appointment shall terminate at the end of such term of office.

C. Each commission so appointed, or each city or incorporated town owning and operating a lake, shall have exclusive control and jurisdiction of fishing and hunting in said lake, including any portion that may be on a highway or section line road; provided that no such commission, city or town shall pass any ordinance or regulation contrary to the State Wildlife Conservation laws and regulations adopted by the Commission.

Laws 1974, c. 17, § 6-503, emerg. eff. April 8, 1974.

§29-6-504. Release of fish in public waters.

A. No person shall release, deposit, place or permit to be released, deposited or placed fish in any of the public streams, public lakes or public ponds whose stocking is controlled by and so designated by the Wildlife Conservation Commission without the consent of the Wildlife Conservation Director.

B. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

Laws 1974, c. 17, § 6-504, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 45, eff. Sept. 1, 1991.

§29-6-601. Controls on noxious aquatic plants.

A. It shall be unlawful for any person to:

1. Import into;
2. Transport in;
3. Place or cause to be placed in the waters of; or
4. Cultivate or cause to propagate in the waters of;

this state any noxious aquatic plant or seed or reproductive part thereof.

B. Noxious aquatic plant shall be any aquatic plant which may cause injury to the environment of the state and declared to be

noxious by regulation of the Oklahoma Wildlife Conservation Commission.

C. Any person who knowingly or willfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by the imposition of a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment.

D. In addition to the criminal penalties provided herein, the Commission may enforce the provisions of this section by injunctive action.

E. The Commission may, on order, grant to any individual such conditional exceptions to this section as are not injurious to the environment.

Laws 1976, c. 121, § 1, emerg. eff. May 18, 1976; Laws 1991, c. 182, § 46, eff. Sept. 1, 1991.

§29-7-101. Dams constructed by the U.S.; safety zones.

A. Except as otherwise provided for in subsection E of this section, no person shall enter, swim, wade, operate a boat or operate or float any floating device in any safety zone as defined in Section 2-139 of this title. This provision shall not be construed to prohibit fishing from the bank or shore when otherwise lawful.

B. The Oklahoma Department of Wildlife Conservation shall have the authority to maintain buoy lines, cable nets or any other device which it may find necessary to keep persons, boats or floating devices out of the safety zone and shall have authority to erect signs or other warning devices to mark the existence and extent of safety zones. The Department shall be exempt from any penalty should it fail to comply with this provision.

C. In all water bounded by a turbine outlet, a continuous warning signal by means of a horn shall be sounded for a period of five (5) minutes prior to the opening of the gates of the dam and the releasing of water through the same, in order that the public shall have notice thereof.

D. Subsections A and B of this section shall not be applicable to the waters below any particular dam when, and to the extent that, such application would be in conflict with the laws of the United States or valid rules and regulations promulgated thereunder. Further, the lack of any line, net, device or sign, pursuant to subsection B of this section, shall not prevent a violation of subsection A from taking effect.

E. The provisions of this section shall apply to the safety zone below all federal dams. Notwithstanding the provisions of subsection A of this section, persons may enter and wade in the safety zone below the dams on the Salt Plains Lake, Tenkiller Lake, Fort Supply Lake, Copan Lake, Hulah Lake, and Canton Lake.

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00), or by imprisonment in the county jail not exceeding thirty (30) days, or both such fine and imprisonment.

Added by Laws 1974, c. 17, § 7-101, emerg. eff. April 8, 1974.

Amended by Laws 1991, c. 182, § 47, eff. Sept. 1, 1991; Laws 2009, c. 157, § 1, eff. July 1, 2009.

§29-7-102. Pensacola Dam - Fishing limitations after closing dam.

Whenever the gates of the Pensacola Dam, commonly called the Grand River Dam, or any of its spillways shall be closed by proper authority, fishing in the waters within a distance of one-half (1/2) mile below such dam or spillways shall be limited to sport fishing for a period of twenty-four (24) hours after such closing, and shall then be open for commercial fishing for a period of forty-eight (48) hours after the expiration of the twenty-four (24) hours from such closing. Nothing in this Code shall prohibit the taking of game or nongame fish by noodling during the times and in the waters described in this section.

Laws 1974, c. 17, § 7-102, emerg. eff. April 8, 1974; Laws 1975, c. 251, § 1, emerg. eff. June 2, 1975.

§29-7-102.1. Harvesting of shad by licensed bait dealers.

Licensed Oklahoma bait dealers may harvest shad immediately below Pensacola Dam after filing a waiver of liability with the Grand River Dam Authority.

Laws 1975, c. 251, § 2, emerg. eff. June 2, 1975.

§29-7-103. Gates Creek Dam.

The Gates Creek Dam, created under 29 O.S.1971, Section 741, and the waters impounded thereby, shall be under the control of the Department for the benefit of the people of the State of Oklahoma, and the Commission shall have authority to make reasonable rules and regulations regarding the use thereof for said purposes.

Laws 1974, c. 17, § 7-103, emerg. eff. April 8, 1974.

§29-7-201. Punishment for violations not otherwise provided for.

Any person convicted of violating any section of this Code, for which there is otherwise no penalty, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 7-201, emerg. eff. April 8, 1974.

§29-7-202. Attempted violation.

Every person who attempts to violate any provision or section of this Code shall upon conviction be punished in the same manner as if he had completed the act that constitutes that violation.
Laws 1974, c. 17, § 7-202, emerg. eff. April 8, 1974.

§29-7-203. Aiding and/or abetting.

Every person who counsels, aids or abets another in the violation of any provision or section of this Code shall upon conviction be punished in the same manner as the principal offender.
Laws 1974, c. 17, § 7-203, emerg. eff. April 8, 1974.

§29-7-204. Ownership of wildlife.

All wildlife found in this state is the property of the state.
Laws 1974, c. 17, § 7-204, emerg. eff. April 8, 1974.

§29-7-205. Killing, capturing, mutilating or destroying wildlife protected by law - Abandoning body without appropriate disposal - Revocation of licenses.

A. Excluding furbearers and coyotes, no person may capture, kill, mutilate or destroy any wildlife protected by law and remove the head, claws, teeth, hide, antlers, horns or any or all of such parts from the body with the intent to abandon the body.

B. Excluding furbearers and coyotes, no person may capture or mutilate any living wildlife protected by law by removing the claws, teeth, hide, antlers, horns or any or all of such parts from the body.

C. No person may kill any wildlife protected by law and abandon the body without disposing of the body in the most appropriate manner.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both fine and imprisonment.

E. Any hunting or fishing license issued to a person by the Department of Wildlife Conservation shall be automatically revoked upon conviction of the person of violating the provisions of this section. The revocation shall be for a period set by the court of not less than one (1) year nor more than ten (10) years. If the court does not set a period, the revocation shall be for one (1) year from the date of the conviction. During this period of revocation, the Department shall not issue the person a hunting or fishing license. If the court does not set a revocation period, the Department shall not issue that person a license within one (1) year of the conviction of the person pursuant to this section. A person who has a license or permit revoked pursuant to this section shall surrender the revoked license or permit to the court. The court

shall send the Department of Wildlife Conservation the revoked license and a copy of the judgment of conviction. For purposes of this section, "conviction" shall include a plea of guilty or nolo contendere to an offense or the imposition of deferred adjudication for an offense.

Added by Laws 1982, c. 134, § 1, operative Oct. 1, 1982. Amended by Laws 1991, c. 182, § 48, eff. Sept. 1, 1991; Laws 1992, c. 149, § 11, emerg. eff. April 30, 1992; Laws 2013, c. 286, § 2, eff. Nov. 1, 2013.

§29-7-206. Seizure and forfeiture of certain items, equipment, vehicles and property relating to hunting and fishing violations.

A. Any game warden, sheriff, deputy sheriff or other peace officer of this state is authorized to seize any item, equipment, vehicle or other property, which is used or operated in violation of any provision of Sections 5-411, 5-412, and 6-301, Section 42 of this act, subsection A of Section 6-302, paragraph 2 of subsection A of Section 6-303, subsection A, B, C, D, G, H or K of Section 4-129 of this title, Section 32 of this act, or as otherwise specified by the Oklahoma Wildlife Conservation Code. Such items, equipment, vehicles or other such property shall be held as evidence until:

1. A forfeiture or release has been ordered by the court pursuant to the provisions of this act; or

2. The district attorney of the county in which the item, equipment, vehicle or other property was seized determines that such item, equipment, vehicle or other property is not needed for prosecution of the violation.

Upon such forfeiture by order of the court, or upon such determination by the district attorney, the court or the district attorney as the case may be, shall provide for the release of such item, equipment, vehicle or other property so seized.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein any such item, equipment, vehicle or property, is seized and shall be given all owners and parties in interest.

C. Notice shall be given according to one of the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record in the Tax Commission, by mailing a copy of the notice by certified mail to the address as given upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address; or

3. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in such item, equipment, vehicle or

other property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of any such item, equipment, vehicle or other property, and any other party in interest or claimant may file a verified answer and claim to such item, equipment, vehicle or property described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use or intended unlawful use and shall order the item, equipment, vehicle or property, forfeited to the state, if such fact is proved.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. At the hearing the state shall prove beyond a reasonable doubt by competent evidence that the item, equipment, vehicle or property was used or operated in a violation of any provision specified by subsection A of this section. Such items, equipment, vehicles or other such property shall be held as evidence until a forfeiture has been declared or release ordered.

H. The claimant of any right, title or interest in the item, equipment, vehicle or other property may prove the lien, mortgage or conditional sales contract of the claimant to be bona fide and that the right, title or interest of the claimant was created without any knowledge or reason to believe that the item, equipment, vehicle or property was being operated for the purpose charged.

I. In the event of such proof, the court shall order the item, equipment, vehicle or property released to the bona fide or innocent owner, lien holder, mortgagee or vendor if the amount due such person is equal to, or in excess of, the value of the item, equipment, vehicle or property as of the date of the seizure. It is the intention of this section to forfeit only the right, title or interest of the purchaser.

J. If the amount due to such person is less than the value of the item, equipment, vehicle or property or if no bona fide claim is established, the item, equipment, vehicle or property shall be forfeited to the state and the item, equipment, vehicle or property shall be sold under judgment of the court, as on sale upon execution, except as otherwise provided for in subsection M of this section.

K. Property taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county wherein the property was seized, subject only to the orders and decrees of the court or the official having jurisdiction thereof.

L. The proceeds of the sale of any such item, equipment, vehicle or property pursuant to the provisions of this section shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor or mortgagee of the item, equipment, vehicle or property, if any, up to the amount of the interest of such person in the item, equipment, vehicle or property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the property; and

3. The balance to be apportioned, one-fourth (1/4) to the Department of Wildlife Conservation and three-fourths (3/4) to the district court in which such proceedings were brought.

M. Whenever any item, equipment, vehicle or property is forfeited under this section and there is no innocent claimant thereof, the district court of jurisdiction may order that the item, equipment, vehicle or property seized may be retained by the Department of Wildlife Conservation for its official use.

N. If the court finds that the item, equipment, vehicle or property was not used in a violation of any provision specified by subsection A of this section, the court shall order the item, equipment, vehicle or property released to the owner as the right, title or interest of the owner appears on record in the Tax Commission as of the seizure.

Laws 1988, c. 113, § 3, operative July 1, 1988; Laws 1991, c. 182, § 49, eff. Sept. 1, 1991.

§29-7-207. Unlawful offenses related to wildlife - Restitution.

A. When a person is convicted of a wildlife offense which involves a species of wildlife listed in Section 5-411 of this title or a species referenced in Section 5-412 of this title and involves the unlawful possession, taking or killing of the wildlife from an unlawful hunt, chase, trap, capture, shooting, killing or slaughter, netting, shocking, or poisoning, by any means, the court, in addition to the execution of sentence in whole or in part, shall order the convicted defendant to provide restitution to the Oklahoma Department of Wildlife Conservation.

The amount of restitution shall be not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) depending on the species, the type of specimen and the value of that animal to the wildlife resources of the state. The Department of Wildlife Conservation shall provide the court with a recommendation on the replacement cost. The court shall also take into consideration any previous convictions for violations of any fish and wildlife laws or regulations by the offender.

B. When a person is convicted of a wildlife offense which involves any species of wildlife other than those listed or

referenced in Sections 5-411 and 5-412 of this title and involves the unlawful possession, taking or killing of the wildlife from an unlawful hunt, chase, trap, capture, shooting, killing or slaughter, netting, shocking, or poisoning, by any means, the court, in addition to the execution of sentence in whole or in part, shall order the convicted defendant to provide restitution to the Oklahoma Department of Wildlife Conservation. The amount of restitution shall be not less than Ten Dollars (\$10.00) nor more than Five Thousand Dollars (\$5,000.00) depending on the species, the type of specimen and the value of that animal to the wildlife resources of the state. The Department of Wildlife Conservation shall provide the court with a recommendation on the replacement cost. The court shall also take into consideration any previous convictions for violations of any fish and wildlife laws or regulations by the offender.

C. One hundred percent (100%) of the amount of restitution shall be forfeited to the Oklahoma Department of Wildlife Conservation in the event of a guilty plea or a conviction.

Added by Laws 1991, c. 182, § 50, eff. Sept. 1, 1991. Amended by Laws 2010, c. 80, § 4, emerg. eff. April 12, 2010.

§29-7-208. Payment of administrative fine in lieu of bond - Deposit and use of fines.

A. Any person arrested for violation of any rule promulgated by the Oklahoma Wildlife Conservation Commission may, in lieu of posting bond, pay an administrative fine equal to one-half (1/2) of the current bond schedule, as prepared by the Administrative Office of the Courts pursuant to Section 1115.3 of Title 22 of the Oklahoma Statutes. The amount of the fine shall be rounded to the nearest five-dollar increment.

B. Any fines collected pursuant to this section shall be payable to the Department of Wildlife Conservation and shall be deposited in the Wildlife Conservation Fund to be used exclusively for developing, managing, conserving, and protecting wildlife and wildlife habitat. Added by Laws 2007, c. 44, § 4, emerg. eff. April 24, 2007.

§29-7-209. Trespassing of facility licensed pursuant to Oklahoma Farmed Cervidae Act or commercial hunting area - Punishment.

A. Any person who willfully enters a facility licensed pursuant to the Oklahoma Farmed Cervidae Act or a commercial hunting area licensed pursuant to Section 4-106 of this title without permission by the owner shall be deemed guilty of trespass and, upon conviction thereof, shall be fined in any sum not to exceed One Thousand Five Hundred Dollars (\$1,500.00).

B. Any person who willfully enters a facility licensed pursuant to the Oklahoma Farmed Cervidae Act or a big game commercial hunting area licensed pursuant to Section 4-106 of this title or willfully shoots from or across a public road, highway or railroad right-of-way

onto the facility or big game commercial hunting area and hunts, takes or attempts to take a cervidae or wildlife without permission by the owner shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00) or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment, and in addition, the court shall order restitution for actual damages incurred. For purposes of this subsection, "actual damages" includes, but is not limited to, damages to real or personal property wherein the person willfully entering a licensed facility hunts, shoots, shoots at, kills, attempts to kill, disturbs, hazes, takes, or attempts to take any personal property of the owner without permission from the owner.

Added by Laws 2008, c. 63, § 2, eff. July 1, 2008. Amended by Laws 2009, c. 266, § 1, eff. Nov. 1, 2009; Laws 2011, c. 142, § 3, eff. Nov. 1, 2011; Laws 2012, c. 11, § 5, emerg. eff. April 4, 2012.

NOTE: Laws 2011, c. 116, § 1 repealed by Laws 2012, c. 11, § 6, emerg. eff. April 4, 2012.

§29-7-301. Repealed by Laws 1979, c. 153, § 3, emerg. eff. May 9, 1979.

§29-7-302. State fish hatcheries - Disturbing waters, ponds, property.

A. Except for Departmental employees pursuant to their duties, or persons specifically authorized by Commission resolution, no person may:

1. Molest or disturb the waters, ponds or property of any state fish hatchery;

2. Place or cause to be placed in such waters or ponds any substances or things injurious to the health or safety of fish confined therein;

3. Hunt, pursue, chase, injure, capture or kill in any manner any fish confined in such hatcheries, waters or ponds; or

4. Hunt, pursue, injure or kill upon state hatchery grounds any protected wildlife.

B. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period of not more than sixty (60) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 7-302, emerg. eff. April 8, 1974.

§29-7-303. Private parks, preserves, clubs or resorts.

The owner or lessee in possession of any private park, preserve, club or resort shall have authority to make and enforce any

additional rules and regulations not inconsistent with the wildlife conservation laws for the protection of wildlife within said private park, preserve, club or resort.

Laws 1974, c. 17, § 7-303, emerg. eff. April 8, 1974.

§29-7-304. Wildlife refuges or Wildlife Management Areas - Entry with dog or gun prohibited - Exceptions.

A. Except as otherwise provided by law, no person may enter upon any state or federal wildlife refuge or Wildlife Management Area with dog, gun or bow.

B. Exceptions to the above provisions are when the Commission and/or the Tourism and Recreation Commission may by resolution permit:

1. The holding of field trials by duly authorized sportsmen's clubs; or

2. Such hunting, killing or trapping of wildlife from such refuge or Wildlife Management Area; provided, however, that Lake Murray State Park shall not be utilized for killing or trapping of natural wildlife and shall remain a wildlife preserve.

C. Any person convicted of violating provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment. Laws 1974, c. 17, § 7-304, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 51, eff. Sept. 1, 1991; Laws 1992, c. 149, § 12, emerg. eff. April 30, 1992.

§29-7-304.1. Lyndol Fry Waterfowl Refuge.

The waterfowl refuge portion of the Hugo Oklahoma Wildlife Management Area shall be renamed as the Lyndol Fry Waterfowl Refuge. Added by Laws 1997, c. 248, § 1, emerg. eff. May 23, 1997.

§29-7-305. Cooperative wildlife restoration projects.

A. The State of Oklahoma hereby assents to the provisions of:

1. The Act of Congress which was approved September 2, 1937, and is found at 16 U.S.C. Section 669, as amended; and

2. The Act of Congress which was approved August 9, 1950, and is found at 16 U.S.C. Section 777, as amended.

B. The Commission is hereby authorized, empowered and directed to perform such acts as may be necessary for the conduct and establishment of cooperative wildlife restoration projects, as defined in such respective acts, in compliance with such acts and the rules and regulations promulgated by the Secretary of the Interior thereunder.

Laws 1974, c. 17, § 7-305, emerg. eff. April 8, 1974.

§29-7-306. Repealed by Laws 1979, c. 153, § 3, emerg. eff. May 9, 1979.

§29-7-401. Deleterious, noxious or toxic substances.

A. Except as otherwise provided in this section, no person may deposit, place, throw, or permit to be deposited, placed or thrown, any lime, dynamite or other explosive, poison, drug, sawdust, salt water, crude oil or any other deleterious, noxious or toxic substance in any waters of this state, or in any place where such substances may run or be washed into such waters.

B. Those persons exempt from subsection A of this section shall be:

1. The Department's authorized agents and employees when they shall use drugs, chemicals and other substances in connection with any fish count, scientific test or for improvement; and

2. Those holders of a scientific purposes license which specifically authorizes taking wildlife in such manner.

C. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and each day or part of day during which such action is continued or repeated shall be a separate offense. Provided, that the party responsible for the control of any salt water, crude oil or other deleterious substances causing a violation of this section and resulting from drilling, production, transmission, storage or other operation of the petroleum industry shall be reported to the Oklahoma Corporation Commission and if corrective action is not taken immediately then criminal proceedings shall be had as herein provided. The Corporation Commission is also given the express power to order whatever corrective action is necessary to abate the pollution and is given the authority to enforce the order by any action against the lease or well. Such action shall be reported by the Wildlife Department to the appropriate agency.

Laws 1974, c. 17, § 7-401, emerg. eff. April 8, 1974; Laws 1993, c. 145, § 262, eff. July 1, 1993.

§29-7-401a. Violation of state environmental regulatory agency provision or rule causing death of fish or wildlife.

A. Any person, firm or corporation who violates any provision of or fails to perform any duty imposed by a state environmental regulatory agency pursuant to the Oklahoma Statutes or rules promulgated thereto, which violation causes the death of fish or other wildlife, shall in addition to the penalties provided by law be liable to pay the state an amount equal to the sum of money reasonably necessary to restock such waters. Such liability shall include replacement cost of fish killed, based on the most recent fish values as officially published by the American Fishery Society,

Southern Division, all other costs required for such restocking, including but not limited to shipment and handling, or replenish such wildlife and all cost incurred in investigating, locating or establishing the responsible person, firm or corporation as determined by the Oklahoma Wildlife Conservation Commission.

B. Such amount may be recovered by a state environmental regulatory agency on behalf of the state in a civil action brought in the district court with all such monies being provided to the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission shall reimburse the state environmental regulatory agency issuing the violation for all expenses incurred.

C. For purposes of this section, a "state environmental regulatory agency" is defined as the State Department of Agriculture, the Oklahoma Corporation Commission, the Department of Environmental Quality, the Department of Mines and the Department of Public Safety. Laws 1993, c. 145, § 263, eff. July 1, 1993.

§29-7-402. Activities in other states injurious.

It shall be the duty of the Commission to initiate appropriate legal action in the Federal Court or through notification or cooperative arrangements with the wildlife conservation authorities of other states or the federal government in all cases where actions of individuals, firms or corporations in other states carry on activities which are injurious to wildlife of this state. Laws 1974, c. 17, § 7-402, emerg. eff. April 8, 1974.

§29-7-403. Removal and disposition of dead fish.

A. Any person who catches or obtains fish in any manner whatsoever from the waters of this state and such fish are dead when taken, or die as a result of such act, shall remove those fish from such waters and shall bury or burn them, except nothing in this section shall prevent noncommercial fishermen from returning fish remains to the lakes and reservoirs of this state.

B. No person may bury or burn any such dead fish in any place where they are liable to become exposed through erosion or where such land is at any time subject to overflow.

C. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment, and shall further reimburse a state agency for the costs that agency incurred in the authorized clearing of the waters and/or land of those dead fish.

Laws 1974, c. 17, § 7-403, emerg. eff. April 8, 1974; Laws 1982, c. 130, § 1, emerg. eff. April 9, 1982; Laws 1991, c. 182, § 52, eff. Sept. 1, 1991.

§29-7-501. Repealed by Laws 1991, c. 182, § 68, eff. Sept. 1, 1991.

§29-7-502. General prohibition on possession of wildlife -
Exceptions.

A. Except as otherwise provided by law, no person may possess:

1. Any wildlife or parts thereof during the closed season for that particular wildlife species;
2. Any endangered or threatened species or parts thereof at any time; or
3. Any native bear or native cat that will grow to reach the weight of fifty (50) pounds or more.

B. Persons exempt from provisions of paragraphs 1 and 2 of subsection A of this section are:

1. Persons storing lawfully taken wildlife in any home freezer or cold storage locker;
2. Persons possessing items, including but not limited to hides, heads or horns as specimens or trophies;
3. Persons possessing wild waterfowl taken in compliance with and under provisions of federal laws pertaining thereto;
4. Persons possessing legally obtained wildlife, from a source other than the wild, as pets or for the purpose of training hunting dogs, except as provided for by law or under rules promulgated by the Wildlife Conservation Commission; or
5. Persons possessing farmed cervidae and licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. Persons possessing products for human consumption that have been taken, processed, labeled and transported in accordance with the laws of the state of origin and federal law shall be exempt from the provisions of paragraphs 1 and 2 of subsection A of this section.

Provided:

1. The person processing or offering the product for sale shall retain all necessary documents to evidence the state of origin of the wildlife or farmed cervidae product; and
2. Nothing in this subsection shall allow a person to sell protected wildlife taken in this state except as otherwise provided by law.

D. It shall be unlawful for any person to have in their possession any meat, head, hide, or any part of the carcass of any wildlife not legally taken.

E. The applicable commercial or noncommercial wildlife breeder's license shall be obtained if any wildlife is being propagated.

F. Possession of game during the closed season, except as above provided, shall be prima facie evidence that the game was taken during a closed season.

G. Any person convicted of violating any provision of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both.

Added by Laws 1974, c. 17, § 7-502, emerg. eff. April 8, 1974.

Amended by Laws 1991, c. 182, § 53, eff. Sept. 1, 1991; Laws 1992, c. 149, § 13, emerg. eff. April 30, 1992; Laws 2000, c. 119, § 1, eff. Nov. 1, 2000; Laws 2002, c. 346, § 3, eff. Nov. 1, 2002; Laws 2003, c. 188, § 4, eff. July 1, 2003; Laws 2006, c. 138, § 19, eff. Nov. 1, 2006.

§29-7-503. Prohibition on buying, bartering, trading, selling, or offering or exposing for sale protected fish or wildlife - Exceptions - Penalties.

A. Except as otherwise provided for by law, no person may buy, barter, trade, sell or offer, or expose for sale all or any part of any fish or wildlife or the nest or eggs of any bird, protected by law. The carcasses or any parts thereof of legally acquired furbearing animals or coyotes may be purchased, bartered, traded, sold or offered for sale. The fur or pelt of legally acquired squirrels may be purchased, bartered, traded, sold or offered for sale.

B. Persons licensed to propagate or sell fish or wildlife pursuant to the provisions of the Oklahoma Wildlife Conservation Code and persons who have documentation of legally purchased fish or wildlife or parts thereof for resale are exempt from the provisions of this section.

C. All wildlife or parts thereof seized pursuant to the provisions of this section and determined to be unfit for release in a suitable locale shall be sold. The proceeds from said sale shall be deposited in the Wildlife Conservation Fund.

D. No person shall buy, barter, trade, or sell, within this state, any furbearing animal, game animal, or game fish, or any part thereof, acquired from a source within or outside of this state unless at the time and place of each such sale, the seller shall possess an invoice signed by the person from whom said seller purchased said animals or fish, which shall contain a statement of the source from which said animals or fish were acquired, and the species and quantity of each species, or parts thereof, delivered to said seller.

E. Persons who have obtained legal possession of wildlife or parts of wildlife after being given to the person for taxidermic preparation or processing of the meat for consumption shall be permitted to dispose of such, unless otherwise prohibited by law, under rules established by the Oklahoma Wildlife Conservation Commission.

F. The animal, bird, fish, or part thereof shall be confiscated by the arresting authority and forwarded to the Commission to be held until the matter is resolved. If a person violating the provisions of this section is convicted, the Commission shall retain and properly dispose of the confiscated animal, bird, fish, or part thereof. If a person accused of violating the provisions of this section is acquitted, the confiscated animal, bird, fish, or part thereof shall be returned to the possession of the person from whom it was confiscated.

G. The first violation of any of the provisions of this section shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

Subsequent violations of the provisions of this section shall be punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both said fine and imprisonment.

Added by Laws 1974, c. 17, § 7-503, emerg. eff. April 8, 1974.

Amended by Laws 1979, c. 194, § 1; Laws 1983, c. 93, § 1, operative July 1, 1983; Laws 1991, c. 182, § 54, eff. Sept. 1, 1991; Laws 1994, c. 318, § 17, emerg. eff. June 8, 1994; Laws 1996, c. 135, § 4, eff. July 1, 1996; Laws 2000, c. 122, § 2, eff. Nov. 1, 2000; Laws 2003, c. 96, § 1, eff. Nov. 1, 2003.

§29-7-504. Importation, sale, possession of aigrettes, plumes, feathers, quills, wings, etc.

A. Except as otherwise provided, no person may import, sell or possess for sale aigrettes, egret plumes and the feathers, quills, heads, wings, tails, skins or parts of skins of wild birds, either raw or manufactured, or any endangered or rare species.

B. Exemptions to the above subsection A are:

1. Importations, sales or possession for sale for scientific or educational purposes.

2. The feathers or plumes of domestic fowl of any kind.

C. Any person convicted of violating the provisions of this section shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 7-504, emerg. eff. April 8, 1974.

§29-7-601. Common carrier requirements.

A. Except as provided by law, no railroad, express company or other common carrier or any agent, servant or employee thereof may

receive for transportation or transport any wildlife or endangered or rare species in this state.

B. All such companies in this state shall keep a copy of this Code on file at each of their shipping offices in this state for the information of their employees.

C. Any aforesaid company, its agents, servants or employees convicted of violating the provisions of this section shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Laws 1974, c. 17, § 17-601, emerg. eff. April 8, 1974.

§29-7-602. General prohibition against transporting wildlife - Exceptions.

A. Except as otherwise provided by law, no person may ship into or out of, transport into or out of, have in possession with the intent to so transport, or cause to be removed from this state:

1. Any wildlife or parts thereof, nests of wildlife, their eggs or their young; or
2. Any endangered or threatened species.

B. Exceptions to paragraph 1 of subsection A of this section are:

1. Dead fish or wildlife legally taken by licensed hunters or fishermen for noncommercial purposes may be possessed, shipped, or transported into or within the borders of this state if it is accompanied by or has attached the appropriate certificate, license or tag as may be required by the Oklahoma Wildlife Conservation Code, rules, or the laws of another state;

2. Rough fish products that have been completely processed into food or other products that legally taken fish may yield may be exported from the state;

3. Any rough fish taken by licensed commercial fishermen who have been issued a special permit as required by Section 4-105 of this title by the Director may be shipped, transported or exported pursuant to the permit;

4. Any fish or wildlife lawfully bred or propagated may be shipped or transported within the confines of this state or exported out of this state;

5. Any wildlife for which the Director has given an individual specific written authority for its transportation into or out of the state; or

6. Any farmed cervidae licensed pursuant to the Oklahoma Farmed Cervidae Act.

C. An owner or operator of a commercially licensed hunting facility shall be permitted to transport cervidae from one in-state hunt facility to another in-state hunt facility without a permit issued by the Department of Wildlife Conservation.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or by both.

Added by Laws 1974, c. 17, § 7-602, emerg. eff. April 8, 1974.

Amended by Laws 1991, c. 182, § 55, eff. Sept. 1, 1991; Laws 1992, c. 149, § 14, emerg. eff. April 30, 1992; Laws 1996, c. 117, § 2, eff. July 1, 1996; Laws 2006, c. 138, § 20, eff. Nov. 1, 2006; Laws 2008, c. 63, § 3, eff. July 1, 2008.

§29-7-701. Lands contained in the wilderness area.

A tract of land, legally described as: All of Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, all in Township 3 South, Range 26 East, and all of Sections 1, 2, 10, 11, 12, 13, 24, 25, and portions of Sections 3, 4, 5, 8, 9, 14, 23, 26, all in Township 3 South of Base line, Range 25 East of the Indian Base and Meridian, situated in the County of McCurtain, State of Oklahoma, now owned in fee simple by the Department, is hereby designated as a wilderness area.

Insofar as humanly possible, those portions east of Broken Bow Lake are to be retained in a natural state with only nature operating to alter existing conditions.

Laws 1974, c. 17, § 7-701, emerg. eff. April 8, 1974.

§29-7-702. Ingress and egress.

A. Except as otherwise provided, no person may enter any of the wilderness area.

B. Persons exempt from the above prohibition shall be:

1. Persons possessing prior written permission from the Department;
2. Departmental employees directly concerned with the management of the area;
3. Employees of the Forestry Service directly concerned with the protection of the area from fire; and
4. Persons concerned with the scientific study of the natural resources of the state, who are authorized by the Department.

C. Any person convicted of violating this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not more than thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 7-702, emerg. eff. April 8, 1974.

§29-7-703. Prohibition on motor-driven devices within the wilderness area.

A. Except as otherwise provided, no person may use any motor-driven conveyance or devices in any portion of the wilderness area east of Broken Bow Lake.

B. Those persons exempted shall be those state and federal employees, specified in paragraphs 2 and 3, subsection B of Section 7-702 of this title, in the performance of their duties.

C. Any person convicted of violating the provisions of this section shall be punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both said fine and imprisonment. Laws 1974, c. 17, § 7-703, emerg. eff. April 8, 1974; Laws 1991, c. 182, § 56, eff. Sept. 1, 1991.

§29-7-704. Prohibition of commercial operations.

A. No person may mine, remove any sand and/or gravel or cut and/or remove any timber in any portion of the wilderness area.

B. Any person convicted of violating this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period of not less than ten (10) days nor more than sixty (60) days, or by both such fine and imprisonment. Laws 1974, c. 17, § 7-704, emerg. eff. April 8, 1974.

§29-7-705. Prohibition on removal of wildlife and plants.

A. Except as otherwise provided, no person may collect, remove, lure, chase or cause to be removed, lured or chased any wildlife from the wilderness area or collect, remove or cause to be collected or removed any plant life from the wilderness area.

B. Persons exempt from the above subsection are:

1. Departmental employees pursuant to their duties; or
2. Any person who has obtained prior specific written permission from the Director and who, at the time of such activity, has evidence of that permission upon his person.

C. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Laws 1974, c. 17, § 7-705, emerg. eff. April 8, 1974.

§29-7-706. Prohibition on permanent structures.

With the exception of internal fences and existing Department buildings, no additional permanent structures may be erected or maintained in any part of the wilderness area east of Broken Bow Lake.

Laws 1974, c. 17, § 7-706, emerg. eff. April 8, 1974.

§29-7-801. Exotic wildlife - Penalties for releasing.

A. No exotic wildlife may be released into the wilds of Oklahoma without first obtaining written permission of the Director.

B. Any person releasing such exotic wildlife into the wilds of Oklahoma in violation of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both. Added by Laws 1974, c. 17, § 7-801, emerg. eff. April 8, 1974. Amended by Laws 1987, c. 112, § 5, eff. Nov. 1, 1987; Laws 1994, c. 318, § 18, emerg. eff. June 8, 1994; Laws 2006, c. 138, § 21, eff. Nov. 1, 2006.

§29-8-101. Liberal interpretation.

The provisions of this Code, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purpose and object hereof.

Laws 1974, c. 17, § 8-101, emerg. eff. April 8, 1974.

§29-8-102. Effect of headings.

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

Laws 1974, c. 17, § 8-102, emerg. eff. April 8, 1974.

§29-8-103. Short title.

This act shall be known and may be cited as the Oklahoma Wildlife Conservation Code.

Laws 1974, c. 17, § 8-103, emerg. eff. April 8, 1974.

§29-8-104. Resolution penalty provision.

It shall be a misdemeanor to violate any Commission rule or regulation promulgated by the Commission under the authority granted in this Code. Any person so violating shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1974, c. 17, § 8-104, emerg. eff. April 8, 1974.

§29-8-105. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§29-8-106. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§29-8-107. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§29-8-108. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§29-8-109. Repealed by Laws 1980, c. 68, § 1, emerg. eff. April 10, 1980.

§29-9-101. Repealed by Laws 2011, c. 178, § 5.

§29-9-102. Repealed by Laws 2011, c. 178, § 5.

§29-9-103. Repealed by Laws 2011, c. 178, § 5.

§29-9-104. Repealed by Laws 2011, c. 178, § 5.

§29-9-105. Repealed by Laws 2011, c. 178, § 5.

§29-9-111. Wildlife Bail Procedure Act.

This act shall be known and may be cited as the "Wildlife Bail Procedure Act".

Added by Laws 2011, c. 178, § 1.

§29-9-112. Oklahoma Wildlife Conservation Code - Violations - Bail.

A. Except as otherwise provided by law, any person arrested for a violation of any section of the Oklahoma Wildlife Conservation Code shall be admitted to bail as follows:

1. Whenever a person is charged for any violation of any of the wildlife laws of this state or rules adopted by the Wildlife Conservation Commission pursuant to law, which violation is punishable as a misdemeanor and the person is not immediately taken into physical custody pursuant to state law, the officer shall prepare a written citation containing a notice to appear in court, the name and address of the person, the offense charged, the time and place where the person shall appear in court and any other pertinent information as may be necessary;

2. The arresting officer shall indicate on the citation the date of the arraignment. The person charged shall appear in person or by counsel at the stated time and place for arraignment;

3. The place specified in the citation for the arraignment shall be before a judge of the district court within the county in which the offense is alleged to have been committed and which has jurisdiction of the offense; and

4. Except as otherwise provided by law, the person charged with the violation shall agree to appear in court by signing at least one copy of the written citation prepared by the arresting officer.

After signing, the officer shall deliver a copy of the citation to the person. The officer shall not take the person into physical custody for the violation if:

- a. the arrested person is:
 - (1) a resident, or
 - (2) a nonresident of another state within the United States which is a participant in the Interstate Wildlife Violator Compact or any party within the jurisdiction of the Interstate Wildlife Violator Compact,
- b. the arresting officer is satisfied as to the identity of the arrested person and certifies the date and time and the location of the violation,
- c. the arrested person acknowledges the written promise to appear in court as provided for on the citation, and
- d. the violation does not constitute:
 - (1) hunting or fishing while the hunting or fishing license is under suspension, revocation, denial or cancellation, or
 - (2) an arrest based upon an outstanding warrant.

B. A person charged with a violation listed in divisions (1) and (2) of subparagraph d of paragraph 4 of subsection A of this section shall be taken into custody and required to appear before the court.

C. Except for any person charged with a violation requiring restitution as set forth in Section 7-207 of this title or listed in divisions (1) and (2) of subparagraph d of paragraph 4 of subsection A of this section or other applicable law, upon approval of the district court, the person charged may submit payment to the court in the amount of the minimum bond as prescribed by law for a violation for which the person is charged if the violation carries a minimum fine of Fifty Dollars (\$50.00) or less and sign a plea of guilty or nolo contendere on the back of the citation, or such plea may be entered by the defendant using an electronic method provided by the court for such purposes, either through the website of the court or otherwise. A person charged who elects to follow the procedure authorized in this subsection shall not be required to appear for arraignment.

D. All persons charged with a violation requiring restitution as set forth in Section 7-207 of this title shall be required to appear before the court.

E. If the form of a wildlife citation includes information required by law and is signed by the preparing officer, the citation, when filed with a court having jurisdiction, shall be deemed to be a lawful complaint for the purpose of prosecution under law.

Added by Laws 2011, c. 178, § 2. Amended by Laws 2013, c. 13, § 2, eff. Nov. 1, 2013; Laws 2013, c. 61, § 2, eff. Nov. 1, 2013.

§29-9-113. Wildlife citation - Failure to comply.

A. For purposes of the Wildlife Bail Procedure Act, "failure to comply" with a wildlife citation by a person that has been issued the citation means failure to:

1. Appear before a district court in response to a wildlife citation and pay in full any fine, court costs, assessments or fees imposed;

2. Fully pay or satisfy all fines, court costs, restitution, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife laws of this state; or

3. Otherwise comply with a wildlife citation as provided for in the Oklahoma Wildlife Conservation Code.

B. A person may be considered guilty of failing to comply with a wildlife citation as set forth in subsection A of this section regardless of the disposition of the charge for which the citation, complaint or charge was originally issued. Any person convicted of failing to comply with a wildlife citation as set forth in subsection A of this section shall be deemed guilty of a misdemeanor and shall be fined not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00).

C. For purposes of the Wildlife Bail Procedure Act, the term "citation" means any complaint, summons, notice to appear, ticket, warrant, administrative fine or other official document issued for the prosecution of the wildlife laws or rules of this state.

D. If the person charged fails to appear in court in person or by counsel for arraignment on the charge against them, or fails to arrange with the court within the time designated on the citation for a future appearance, on motion of the district attorney, the court shall issue a bench warrant for the arrest of the person charged. Added by Laws 2011, c. 178, § 3.

§29-9-114. Penalties.

A. 1. In addition to any other penalties provided for in the Wildlife Bail Procedure Act or any other applicable law, when a person fails to comply with a wildlife citation or a sentence for a violation of wildlife laws or rules, the district court which has jurisdiction of the citation or which issued the sentence shall mail a notice to the person informing them that if they do not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within thirty (30) days from the date of mailing, the Oklahoma Department of Wildlife Conservation shall be notified to begin procedures to forfeit or suspend any license, permit, stamp or other issue of the Department held by the person.

2. Upon receipt of a report from a district court of a failure to comply with a wildlife citation or sentence as set forth in paragraph 1 of this subsection the Department shall suspend or forfeit the license, permit, stamp or other issue of the Department

held by the person until satisfactory evidence of compliance with the wildlife citation or sentence of the district court is furnished to the Department by the district court. Upon receipt of notification of compliance from the district court, the Department shall terminate the suspension action, unless the suspension is otherwise required.

B. Except as provided for in subsection C of this section, when the district court notifies the Department of Wildlife Conservation of a failure to comply with a wildlife citation or failure to comply with a sentence of the district, the court shall assess a reinstatement fee of Fifty Dollars (\$50.00) for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which the citation was originally issued. The reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The district court shall remit all reinstatement fees to the Department in accordance with the provisions of state law. The Department shall deposit the entire amount of each reinstatement fee in the Wildlife General Fund.

C. The district court shall waive the reinstatement fee provided for in subsection B of this section if the failure to comply with a wildlife citation was the result of the person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, volunteering for active duty or being called into service as a member of the Oklahoma National Guard or volunteering for active duty and being absent from Oklahoma because of military service.

D. A person whose privileges have been suspended as provided for in this section and who hunts, traps or fishes in this state, who applies for or purchases any license or permit to hunt, trap, or fish in this state, or who refuses to surrender any current hunting, trapping or fishing licenses as required pursuant to this section shall be deemed guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

Added by Laws 2011, c. 178, § 4.

§29-10-101. Interstate Wildlife Violator Compact.

The Interstate Wildlife Violator Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE 1. FINDINGS, DECLARATION OF POLICY, AND PURPOSE

A. The participating states find that the following provisions apply:

1. Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors;

2. The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, ordinances, regulations, and administrative rules relating to the management of such resources;

3. The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources;

4. Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances, regulations, and administrative rules of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife;

5. Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property;

6. The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states;

7. In most instances, a person who is cited for a wildlife violation in a state other than that person's own state:

- a. is required to post collateral or a bond to secure appearance for a trial at a later date,
- b. is taken into custody until the collateral or bond is posted, or
- c. is taken directly to court for an immediate appearance;

8. The purpose of the enforcement practices set forth in paragraph 7 of this subsection is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to proceed after receiving the citation, could return to the home state of the person and disregard their duty under the terms of the citation;

9. In most instances, a person receiving a wildlife citation in the home state of the person is permitted to accept the citation from the officer at the scene of the violation and immediately proceed after agreeing or being instructed to comply with the terms of the citation;

10. The practices described in paragraph 7 of this subsection cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine and is thus compelled to remain in custody until some alternative arrangement is made; and

11. The enforcement practices described in paragraph 7 of this subsection consume an undue amount of law enforcement time.

B. It is the policy of the participating states to:

1. Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states;

2. Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and may treat the suspension as if it had occurred in their state;

3. Allow a violator, except as provided in subsection B of Article 3 of this compact, to accept a wildlife citation and proceed without delay, whether or not a resident of the state in which the citation was issued, provided that the home state of the violator is party to this compact;

4. Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state;

5. Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they occurred in the home state;

6. Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;

7. Maximize effective use of law enforcement personnel and information; and

8. Assist court systems in the efficient disposition of wildlife violations.

C. The purpose of this compact is to:

1. Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection B of this article in a uniform and orderly manner; and

2. Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE 2. DEFINITIONS

As used in this compact, unless the context requires otherwise, the following definitions apply:

1. "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document that is issued to a person by a game warden, wildlife officer or other peace officer for a wildlife violation and that contains an order requiring the person to respond;

2. "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a game warden, wildlife officer or other peace officer of a citation for a wildlife violation;

3. "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any;

4. "Conviction" means a conviction, including any court conviction, for any offense that is related to the preservation, protection, management, or restoration of wildlife and that is prohibited by state statute, law, regulation, ordinance, or administrative rule. The term also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court;
5. "Court" means a court of law, including magistrate's court and the justice of the peace court;
6. "Home state" means the state of primary residence of a person;
7. "Issuing state" means the participating state which issues a wildlife citation to the violator;
8. "License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state;
9. "Licensing authority" means the commission, department or division within each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife;
10. "Participating state" means any state that enacts legislation to become a member of this wildlife compact;
11. "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation;
12. "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and other countries;
13. "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license;
14. "Terms of the citation" means those conditions and options expressly stated in the citation;
15. "Wildlife" means all species of animals including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" for purposes of this compact are based on state or local law;
16. "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof;

17. "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation; and

18. "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE 3. PROCEDURES FOR ISSUING STATE

A. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and may not require the person to post collateral to secure appearance, subject to the exceptions noted in subsection B of this article, if the officer receives the recognizance of the person that the person will comply with the terms of the citation.

B. Personal recognizance is acceptable if:

1. Not prohibited by state or local law or the compact manual; and

2. The violator provides adequate proof of identification to the wildlife officer.

C. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report must be made in accordance with procedures specified by the issuing state and must contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

D. Upon receipt of the report of conviction or noncompliance pursuant to subsection C of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

ARTICLE 4. PROCEDURE FOR HOME STATE

A. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and may initiate a suspension action in accordance with the suspension procedures of the home state and may suspend the license privileges of the violator until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards will be accorded.

B. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state may enter the conviction in its records and may treat the conviction as though it occurred in the home state for the purposes

of the suspension of license privileges if the violation resulting in a suspension could have been the basis for suspension of license privileges in the home state.

C. The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE 5. RECIPROCAL RECOGNITION OF SUSPENSION

A. All participating states may recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

B. Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

ARTICLE 6. APPLICABILITY OF OTHER LAWS

Except as expressly required by this compact, nothing herein may be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE 7. COMPACT ADMINISTRATOR - PROCEDURES

A. For the purposes of administering this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board is composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator must be appointed by the head of the licensing authority of each participating state and serves and is subject to removal in accordance with the laws of the state the compact administrator represents. A compact administrator may provide for the discharge of duties and the performance of functions as a board member by an alternate. An alternate is not entitled to serve unless written notification of the identity of the alternate has been given to the board.

B. Each member of the board of compact administrators is entitled to one vote. No action of the board is binding unless taken at a meeting at which a majority of the total number of the votes by the board are cast in favor thereof. Action by the board may be only at a meeting at which a majority of the participating states is represented.

C. The board shall elect annually from its membership a presiding officer and a vice presiding officer.

D. The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and may amend and rescind its bylaws.

E. The board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and receive, utilize, and dispose of the same.

F. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.

G. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action must be contained in a compact manual.

ARTICLE 8. ENTRY INTO COMPACT AND WITHDRAWAL

A. This compact becomes effective at such time as it is adopted in a substantially similar form by two or more states.

B. 1. Entry into the compact must be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the presiding officer of the board.

2. The resolution must substantially be in the form and content as provided in the compact manual and must include the following:

- a. a citation of the authority from which the state is empowered to become a party to this compact,
- b. an agreement of compliance with the terms and provisions of this compact, and
- c. an agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

3. The effective date of entry must be specified by the applying state but may not be less than sixty (60) days after notice has been given by the:

- a. presiding officer of the board of the compact administrators, or
- b. secretariat of the board to each participating state that the resolution from the applying state has been received.

C. A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal does not become effective until ninety (90) days after the notice of withdrawal is given. The notice must be directed to the compact administrator of each member state. Withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

ARTICLE 9. AMENDMENTS TO THE COMPACT

A. This compact may be amended from time to time. Amendments must be presented in resolution form to the presiding officer of the board of the compact administrators and must be initiated by one or more participating states.

B. Adoption of an amendment requires endorsement by all participating states and becomes effective thirty (30) days after the date of the last endorsement.

C. Failure of a participating state to respond to the compact presiding officer within one hundred twenty (120) days after receipt of a proposed amendment constitutes endorsement thereof.

ARTICLE 10. CONSTRUCTION AND SEVERABILITY

This compact must be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or the United States, or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of the compact is not affected thereby. If this compact is held contrary to the constitution of any participating state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

Added by Laws 2010, c. 168, § 1, eff. Nov. 1, 2010.

§29-10-102. Enforcement and administration of Interstate Wildlife Violator Compact.

A. The Department of Wildlife Conservation shall enforce the Interstate Wildlife Violator Compact as set forth in Section 1 of this act and shall do all things within the jurisdiction of the Department that are appropriate in order to effectuate the purposes and the intent of the compact.

B. The Director of the Department of Wildlife Conservation is authorized on behalf of the state to enter or withdraw from the Interstate Wildlife Violator Compact pursuant to the terms of Article 8 of the compact.

C. The Director is authorized to adopt amendments to the Interstate Wildlife Violator Compact pursuant to the terms of Article 9 of the compact.

Added by Laws 2010, c. 168, § 2, eff. Nov. 1, 2010.

§29-10-103. Forfeiture of hunting, trapping, or fishing licenses - Notice - Penalties.

A. When the Department of Wildlife Conservation receives notice of the suspension of the hunting, trapping, or fishing privileges of a person by a participating issuing state as set forth in the Interstate Wildlife Violator Compact, the Department shall determine whether the violation leading to the suspension could have led to the forfeiture of privileges under the law of this state. If the Department determines that the privileges of the person could have been forfeited, the Department may suspend the privileges to hunt,

trap, or fish in this state of the person for the same period as imposed by the participating state not to exceed the maximum limits allowed by state law.

B. When the Department receives notice of a conviction of a state resident from the licensing authority of the participating issuing state, the Department may treat the conviction as if it had occurred in this state and shall determine whether the conviction could have led to the forfeiture of the hunting, trapping, or fishing privileges of the resident under state law. If the Department determines that the privileges of the resident could have been forfeited, the Department may suspend the privileges of the resident to hunt, trap, or fish in this state for the same period as the issuing state, not to exceed the limit that could have been imposed under state law.

C. Notice of the suspension shall be sent to the person, who shall surrender any current Oklahoma hunting, trapping, or fishing licenses to the Department within ten (10) days.

D. A person whose privileges have been suspended and who hunts, traps, or fishes in this state, who applies for or purchases any licenses or permits to hunt, trap, or fish in this state, or who refuses to surrender any current hunting, trapping, or fishing licenses as required pursuant to this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

Added by Laws 2010, c. 168, § 3, eff. Nov. 1, 2010.

§29-10-104. Suspension of hunting, trapping, or fishing privileges - Notice - Penalties.

A. The Department of Wildlife Conservation may suspend the hunting, trapping, or fishing privileges of any resident of this state upon notification from the licensing authority of a participating state as set forth in the Interstate Wildlife Violator Compact, that the resident has failed to comply with the terms of a citation issued for a wildlife violation. The suspension remains in effect until the Department receives satisfactory evidence of compliance from the issuing state.

B. Notice of the suspension must be sent to the resident, who shall surrender all current Oklahoma hunting, trapping, or fishing licenses to the Department within ten (10) days.

C. A person who hunts, traps, or fishes, who applies for or purchases licenses or permits, or who refuses to surrender any current hunting, trapping, or fishing licenses in violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).

Added by Laws 2010, c. 168, § 4, eff. Nov. 1, 2010.

§29-10-105. Procedures for suspension hearing.

A. Upon suspending the hunting, trapping, or fishing privileges of any person under Section 3 or Section 4 of this act, the Department of Wildlife Conservation shall immediately notify the person in writing. The person may, within twenty (20) days of the notice, request a hearing before the Department on whether the requirements for suspension have been met.

B. Upon request, the Department shall set a hearing as early as practicable. The requesting person may present evidence and arguments at the hearing contesting the suspension.

C. Following the hearing, the Department, through its authorized agent, may, based on the evidence, affirm, modify, or rescind the suspension of privileges.

Added by Laws 2010, c. 168, § 5, eff. Nov. 1, 2010.

§29-1001. Use of certain mechanical fishing devices prohibited - Penalties.

A. It shall be unlawful for any person to fish in any waters of this state by:

1. Leaving visibly unattended for a period of more than six (6) hours any mechanical fishing device which automatically recoils when a fish strikes, including, but not limited to, the device commonly known as a "yo-yo";

2. Use of any mechanical fishing device which automatically recoils when a fish strikes, including, but not limited to, the device commonly known as a "yo-yo", that does not have the name of the owner and the owner's address attached thereto; or

3. Stringing or suspending any device, described in paragraph 1 of this subsection, from any horizontal line across any channel or navigable waterway, or attaching more than ten of any such devices from any one line or support.

B. Any line or lines to which mechanical fishing devices are attached shall be:

1. Made of nonmetallic material only;

2. No greater than 50 feet in length; and

3. Placed or suspended without restricting or impeding boat navigation between any two such lines.

C. Any person violating the provisions of this section shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

D. Any mechanical fishing device being used in violation of this section shall be confiscated as contraband.

E. No line or lines to which mechanical fishing devices are attached shall be placed in any body of water used by boats, unless marked so as to be visible to such boats using any such body of water at any time of the day or night.

Laws 1974, c. 61, § 1; Laws 1986, c. 56, § 1, eff. Nov. 1, 1986; Laws 1993, c. 214, § 9, eff. Sept. 1, 1993; Laws 1994, c. 85, § 1, eff. Sept. 1, 1994.

§29-1002. Repealed by Laws 2010, c. 80, § 5, emerg. eff. April 12, 2010.