

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1220

BY: DAVIS

AS INTRODUCED

AN ACT RELATING TO TORTS; AMENDING 76 O.S. 1981,
SECTIONS 10, 11, 12, 13, 14 AND 15, WHICH RELATE TO
LANDOWNER LIABILITY; MODIFYING DEFINITIONS;
MODIFYING LIABILITY TO TRESPASSERS ON AGRICULTURAL
LAND; PROVIDING FOR EFFECT OF PERMISSION TO ENTER
CERTAIN LANDS; MODIFYING PROVISIONS RELATING TO
LANDOWNER LIABILITY; PROVIDING AN EFFECTIVE DATE;
AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 76 O.S. 1981, Section 10, is
amended to read as follows:

Section 10. 1. "Agricultural land" means any real property
that is located in this state and that is suitable for:

- a. use in production of plants and fruits grown for human
or animal consumption, or plants grown for the
production of fibers, floriculture, viticulture,
horticulture, or planting seed;
- b. forestry and the growing of trees for the purpose of
rendering those trees into lumber, fiber, or other

items used for industrial, commercial, or personal consumption; or

c. domestic or native farm or ranch animals kept for use or profit.

2. ~~(a) "Land" means land which is used primarily for farming or ranching activities,~~ "Premises" means and includes any real property and roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to realty which is used primarily for farming or ranching activities any such real property.

~~(b)~~ 3. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

~~(c)~~ 4. "Recreational ~~purpose~~ purposes" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

~~(d)~~ 5. "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the ~~land~~ premises.

SECTION 2. AMENDATORY 76 O.S. 1981, Section 11, is amended to read as follows:

Section 11. Except as specifically recognized by or provided in Section ~~5 of this act~~ 14 of this title, an owner of agricultural land ~~which is used primarily for farming or ranching activities:~~

1. owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or a trespasser on the agricultural land;

2. owes no duty to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes a trespasser; or

3. is not liable for any injury to a trespasser on the agricultural land.

SECTION 3. AMENDATORY 76 O.S. 1981, Section 12, is amended to read as follows:

Section 12. Except as specifically recognized by or provided in ~~Section 5 of this act~~ 14 of this title, an owner of agricultural land ~~which is used primarily for farming or ranching activities~~, who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes, does not thereby:

~~(a)~~ 1. Extend any assurance that the premises are safe for any purpose;i

~~(b)~~ 2. Confer upon such person the legal status of an invitee or licensee;i or

~~(c)~~ 3. Assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

SECTION 4. AMENDATORY 76 O.S. 1981, Section 13, is amended to read as follows:

Section 13. Unless otherwise agreed in writing, the provisions of Sections ~~2 and 3 of this act~~ 11 and 12 of this title shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

SECTION 5. AMENDATORY 76 O.S. 1981, Section 14, is amended to read as follows:

Section 14. Nothing in this act limits in any way any liability which otherwise exists:

~~(a)~~ 1. For gross negligence or willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.

~~(b)~~ 2. For injury suffered in any case where the owner of ~~land~~ any real property charges the person ~~or persons~~ who ~~enter~~ enters or ~~go~~ goes on the ~~land~~ real property for the recreational use thereof, except that in the case of land leased to the state or subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.

SECTION 6. AMENDATORY 76 O.S. 1981, Section 15, is amended to read as follows:

Section 15. Nothing in this act shall be construed to:

~~(a)~~ 1. Create a duty of care or ground of liability for injury to persons or property.

~~(b)~~ 2. Relieve any person using the ~~land~~ premises of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such ~~land~~ premises and in his activities thereon, or from the legal consequences of failure to employ such care.

SECTION 7. This act shall become effective July 1, 1991.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5970

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