

ENROLLED HOUSE
BILL NO. 1478

By: Smith (Bill), Reese,
Satterfield and Vaughn
(George) of the House

and

Shurden, Mickle and
Williams (Don) of the
Senate

An Act relating to game and fish; providing for a certain wildlife program; providing for contracts for certain approved projects on private lands; providing for contents; providing for liability; providing for construction of the act; requiring rules and regulations; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-312 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. In order to encourage deer, turkey, pheasant, dove, quail and waterfowl habitat conservation on private lands, the Department of Wildlife Conservation shall establish a program for wildlife habitat development, preservation, restoration, and management on private lands. To implement the program, the Department shall enter into ten-year 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.

SECTION 2. 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.