

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1432

By: Smith (Bill)

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 1991, Section 5-202, which relates to hunting on the land of another; providing for permission; specifying requirements; providing and clarifying exceptions; providing for liability of certain landowners; providing for prosecutions for certain violations; providing for written authorization; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 5-202, is amended to read as follows:

Section 5-202. A. Except as otherwise provided, no person may hunt upon the land of another without the consent of the owner, lessee or occupant of such land. Permission can be either verbal or written. Landowners requiring written permission must conspicuously post their land with signs stating "Posted Written Permission Required".

B. 1. Areas exempt from the provisions of subsection A of this section are:

~~1. Lands not occupied by a resident thereon, unless notice of objection is conspicuously posted upon the premises by the owner or his agent.~~

~~2. Land belonging to this state which is not leased and occupied by a resident~~

~~a. corporate timber lands,~~

~~b. public lands except lands within the jurisdiction of the Oklahoma Commissioners of the Land Office, and~~

~~c. unfenced inholdings within public lands.~~

~~2. The provisions of subsection A of this section shall not apply to hunters entering private property to retrieve game or dogs.~~

~~C. 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 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.~~

~~D. 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.~~

~~D. 1. Landowners will not be liable for death, injury, or loss of property resulting from and to trespassing hunters; and~~

~~2. Landowners will only be subject to limited liability resulting from their gross neglect to those who have permission to hunt.~~

~~E. Prosecution for violations of the provisions of this section may be commenced by the game warden only after the owner, lessee or occupant provides written authorization to the game warden to initiate prosecution for such offenses or directly by the owner,~~

lessee or occupant before any court authorized to punish such violations.

F. Any person convicted of violating any provisions of this section shall be punished by the imposition of a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for thirty (30) days, or by both said fine and imprisonment.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5704

KSM