

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2045

By: Beutler, Bryant (John),
Boyd (Betty), Rhodes
(Dusty) and Lucas of the
House

and

Gustafson, Muegge and
Shurden of the Senate

AS INTRODUCED

An Act relating to torts; amending 76 O.S. 1991,
Sections 10, 11, 12, 13, 14 and 15, which relate to
farming and ranching property; modifying and adding
definitions; expanding exception to duty of care
for recreational use of such property; including
certain easements to exception to duty of care;
modifying statutory citations; and declaring an
emergency.

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

SECTION 1. AMENDATORY 76 O.S. 1991, Section 10, is
amended to read as follows:

Section 10. As used in this act:

~~(a)~~ 1. "Land" means land which is used primarily for farming or
ranching activities, 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;;

~~(b)~~ 2. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises-;

~~(c)~~ 3. "Recreational purpose" 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)~~ 4. "Charge" means the admission price or fee asked or economic benefit received in return for invitation or permission to enter or go upon the land; and

5. "Unimproved land" means land with no recreational improvements added to the land, except for those recreational improvements added for the landowner's own use.

SECTION 2. AMENDATORY 76 O.S. 1991, Section 11, is amended to read as follows:

Section 11. Except as specifically recognized by or provided in Section ~~5~~ 14 of this ~~act~~ title, an owner of unimproved land or land which is used primarily for farming or ranching activities owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

SECTION 3. AMENDATORY 76 O.S. 1991, Section 12, is amended to read as follows:

Section 12. Except as specifically recognized by or provided in Section ~~5~~ 14 of this ~~act~~ title, an owner of unimproved land or 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-;

~~(b)~~ 2. Confer upon such person the legal status of an invitee or licensee; 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. 1991, Section 13, is amended to read as follows:

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

SECTION 5. AMENDATORY 76 O.S. 1991, Section 14, is amended to read as follows:

Section 14. Nothing in ~~this act~~ Sections 10 through 15 of this title limits in any way any liability which otherwise exists:

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

~~(b)~~ 2. For 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, 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. 1991, Section 15, is amended to read as follows:

Section 15. Nothing in ~~this act~~ Sections 10 through 15 of this title shall be construed to:

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

~~(b)~~ 2. Relieve any person using the land 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 and in his activities thereon, or from the legal consequences of failure to employ such care.

SECTION 7. 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.

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