

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1541

By: Erwin

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 1991, Section 1301-208, which relates to burning; specifying approval or denial of burning; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1301-208, is amended to read as follows:

Section 1301-208. A. It is unlawful for any person either willfully or carelessly to burn or cause to be burned or to set fire to or cause fire to be set to any forest, grass, woods, wild lands or marshes owned or controlled by such person, except under the following circumstances: ~~(1) in~~

1. In protection areas notification to burn must be made to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained. The local office or local representative upon a request for approval shall grant the approval, grant the approval with specific conditions, or prohibit the burning; or ~~(2) outside~~

2. Outside protection areas, in order for such burning to be lawful, such person shall take reasonable precaution against the

spreading of fire to other lands by providing adequate firelines, manpower and firefighting equipment for the control of such fire, shall watch over said fire until it is extinguished and shall not permit fire to escape to adjoining land.

B. 1. Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's or tenant's land. ~~This act~~

2. The provisions of this section shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles or other utility equipment.

~~B.~~ C. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one (1) year, or by both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than three (3) years, or by both.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5962

KSM