

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3095

By: Erwin

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S. 1991, Section 5-202, as amended by Section 6, Chapter 214, O.S.L. 1993 (29 O.S. Supp. 1997, Section 5-202), which relate to hunting on the land of another; clarifying statutory language; 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, as amended by Section 6, Chapter 214, O.S.L. 1993 (29 O.S. Supp. 1997, 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~~ the land.

B. 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~~ the agent of the owner.

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

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.

E. The consent of any owner, lessee or occupant of land authorizing a person to hunt, fish or engage in any recreational activity upon the land of any such owner, lessee or occupant shall not be construed to create any additional duty of care or impose any additional liability other than specified by Sections 11 and 12 of Title 76 of the Oklahoma Statutes.

F. The obtaining of consent from any owner, lessee or occupant of land authorizing a person to hunt, fish or engage in any recreational activity shall not relieve the authorized person using the land from any obligation which he may have in the absence of obtaining such consent 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.

G. 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 Two Hundred Dollars (\$200.00), 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 November 1, 1998.

46-2-8846 kb

