

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1367

By: Paulk

COMMITTEE SUBSTITUTE

An Act relating to agriculture; amending 2 O.S. 1991, Section 1301-315, which relates to liability of persons making land available for recreational purposes; providing exception for application of section; providing for definition of term; making exception for certain managed lands; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 1301-315, is amended to read as follows:

Section 1301-315. A. The purpose of this section is to encourage persons to make available to the public land, water areas and park areas for outdoor recreational purposes by limiting their liability to persons going thereon and to third persons who may be damaged by the acts or omissions of persons going thereon.

B. An owner or lessee who provides the public with a park area for outdoor recreational purposes owes no duty of care to keep that park area safe for entry or use by others, or to give warning to persons entering or going on that park area of any hazardous conditions, structures or activities thereon. An owner or lessee who provides the public with a park area for outdoor recreational purposes shall not by providing that park area:

1. Be presumed to extend any assurance that such park area is safe for any purpose;

2. Incur any duty of care toward a person who goes on the park area; or

3. Become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on that park area.

C. This section shall not apply if there is any charge made or usually made by entering or using such park area, or any part thereof, or if any commercial or other activity for profit is conducted on such park area, or any part thereof. For purposes of this subsection, the term "charge" shall not include license or permit fees imposed by a governmental entity to regulate the use of a public park area or other public land, or any part thereof; provided that this exception shall not include any private land for which the governmental entity has a cooperative agreement to manage the land for recreational use.

D. An owner of land or water area leased to the state for outdoor recreational purposes owes no duty of care to keep that land or water area safe for entry or use by others, or to give warning to persons entering or going on that land or water of any hazardous conditions, structures or activities thereon. Any owner who leases land or water area to the state for outdoor recreational purposes shall not by giving such lease:

1. Be presumed to extend any assurance that such land or water area is safe for any purpose;

2. Incur any duty of care toward a person who goes on the leased land or water area; or

3. Become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the leased land or water area. The foregoing applies whether the person going on the leased land or water area is an invitee, licensee, trespasser or otherwise.

E. This ~~act~~ section does not relieve any person of liability which would otherwise exist for want of ordinary care or for deliberate, willful or malicious injury to persons or property. The

provisions hereof shall not be deemed to create or increase the liability of any person.

F. The term "outdoor recreational purposes" as used in this ~~act~~ ~~shall include,~~ section includes but is not necessarily be limited to, hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing and visiting historical, archaeological, scenic or scientific sites.

SECTION 2. This act shall become effective July 1, 1999.

SECTION 3. 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.

47-1-6386

6/11/15