STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3016 By: Armes

COMMITTEE SUBSTITUTE

An Act relating to game and fish; amending 29 O.S. 2001, Sections 5-202 and 6-304, which relate to permission to hunt or fish upon the land of another; creating presumption that consent to hunt or fish is valid for specific period of time; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 29 O.S. 2001, 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.

B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a longer period of time.

C. 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~~ an agent~~.~~ of the owner; and

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

~~C.~~ D. 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.~~ E. 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.~~ F. 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~~ 16-71.2 and ~~12~~ 16-71.3 of Title ~~76~~ 2 of the Oklahoma Statutes.

~~F.~~ G. 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~~ the person may have in the absence of obtaining such consent to exercise care in ~~his~~ the use of such land and in ~~his~~ activities thereon, or from the legal consequences of failure to employ such care.

~~G.~~ H. 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. AMENDATORY 29 O.S. 2001, Section 6-304, is amended to read as follows:

Section 6-304. A. Except as otherwise provided, no person may fish upon the land of another without the consent of the owner, lessee or occupant of such land.

B. For purposes of this section, consent shall be presumed to be valid for not more than one (1) year, unless the owner, lessee, or occupant specifically grants consent for a longer period of time.

C. Areas exempt from the above provision are:

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

2. Land of the state which is not leased and occupied by a resident.

~~C.~~ D. Any ranger investigating a fisherman in the field has a duty to inform the fisherman that it is necessary to obtain the landowner's or occupier's consent to fish on the particular property provided that prosecution for violations of this section can be commenced only upon written complaint of such owner or occupant filed before any court authorized to punish such violation, or upon written complaint to any game ranger, or officer authorized to make arrest for such offenses.

~~D.~~ E. Trespassing on lands which are fenced and exhibit posted signs at all entrances is hereby prohibited. Hunters and fishermen in violation of this provision of this Code shall be subject to fines as outlined in subsection ~~E~~ F of this section.

~~E.~~ F. Any person convicted of violating provisions of this section shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for thirty (30) days, or by both such fine and imprisonment.

SECTION 3. This act shall become effective November 1, 2006.

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