

EHB 3016

1 THE STATE SENATE  
2 Wednesday, April 12, 2006

3 ENGROSSED

4 House Bill No. 3016

5 As Amended

6 ENGROSSED HOUSE BILL NO. 3016 - By: ARMES, JACKSON, BRADDOCK, DUNCAN  
7 and McMULLEN of the House and CAPPS of the Senate.

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

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

15 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-202, is  
16 amended to read as follows:

17 Section 5-202. A. Except as otherwise provided, no person may  
18 hunt upon the land of another without the consent of the owner,  
19 lessee or occupant of such land.

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

24 C. Areas exempt from the provisions of subsection A of this  
25 section are:

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

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

6        ~~C.~~ D. Any game warden investigating a hunter in the field has  
7 the duty to inform the hunter that it is necessary to obtain the  
8 consent of the landowner, lessee or occupant to hunt on the  
9 particular property. Prosecution for violations of the provisions  
10 of this section may be commenced only upon written complaint of such  
11 owner, lessee or occupant filed before any court authorized to  
12 punish such violation, or upon written complaint to any game warden  
13 or officer authorized to make arrest for such offenses.

14        ~~D.~~ E. No person shall operate a motor-driven conveyance on  
15 lands that are fenced and posted or are in cultivation without  
16 permission of the landowner, lessee or occupant.

17        ~~E.~~ F. The consent of any owner, lessee or occupant of land  
18 authorizing a person to hunt, fish or engage in any recreational  
19 activity upon the land of any such owner, lessee or occupant shall  
20 not be construed to create any additional duty of care or impose any  
21 additional liability other than specified by Sections ~~11~~ 16-71.2 and  
22 ~~12~~ 16-71.3 of Title ~~76~~ 2 of the Oklahoma Statutes.

1        ~~F.~~ G. The obtaining of consent from any owner, lessee or  
2 occupant of land authorizing a person to hunt, fish or engage in any  
3 recreational activity shall not relieve the authorized person using  
4 the land from any obligation which ~~he~~ the person may have in the  
5 absence of obtaining such consent to exercise care in ~~his~~ the use of  
6 such land and in ~~his~~ activities thereon, or from the legal  
7 consequences of failure to employ such care.

8        ~~G.~~ H. Any person convicted of violating any provisions of this  
9 section shall be punished by the imposition of a fine of not less  
10 than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars  
11 (\$200.00), or by imprisonment in the county jail for thirty (30)  
12 days, or by both said fine and imprisonment.

13        SECTION 2.        AMENDATORY        29 O.S. 2001, Section 6-304, is  
14 amended to read as follows:

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

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

22        C. Areas exempt from the above provision are:

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

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

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

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

18        ~~E.~~ F. Any person convicted of violating provisions of this  
19 section shall be punished by a fine of not less than Ten Dollars  
20 (\$10.00) nor more than One Hundred Dollars (\$100.00), or by  
21 imprisonment in the county jail for thirty (30) days, or by both  
22 such fine and imprisonment.

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

1 COMMITTEE REPORT BY: COMMITTEE ON TOURISM & WILDLIFE, dated 4-6-06 -  
2 DO PASS, As Amended.