

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1915

By: Richardson

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7 COMMITTEE SUBSTITUTE

8 An Act relating to game and fish; amending 29 O.S.
9 2001, Sections 5-202 and 6-304, as amended by
10 Sections 1 and 2, Chapter 149, O.S.L. 2006 (29 O.S.
11 Supp. 2006, Sections 5-202 and 6-304), which relate
12 to permission to hunt and fish upon the land of
another; modifying certain exemptions; prohibiting
trespass on land devoted to farming, ranching or
forestry purposes; modifying penalty; and providing
an effective date.

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

16 SECTION 1. AMENDATORY 29 O.S. 2001, Section 5-202, as
17 amended by Section 1, Chapter 149, O.S.L. 2006 (29 O.S. Supp. 2006,
18 Section 5-202), is amended to read as follows:

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

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

3 C. ~~Areas~~ Excluding land primarily devoted to farming, ranching,
4 or forestry purposes as set forth in Section 1835.2 of Title 21 of
5 the Oklahoma Statutes, areas exempt from the provisions of
6 subsection A of this section are:

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

10 2. Land belonging to this state which is not leased and
11 occupied by a resident, excluding school land.

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

20 E. No person shall operate a motor-driven conveyance on lands
21 that are fenced and posted or are in cultivation without permission
22 of the landowner, lessee or occupant.

23 F. The consent of any owner, lessee or occupant of land
24 authorizing a person to hunt, fish or engage in any recreational

1 activity upon the land of any such owner, lessee or occupant shall
2 not be construed to create any additional duty of care or impose any
3 additional liability other than specified by Sections 16-71.2 and
4 16-71.3 of Title 2 of the Oklahoma Statutes.

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

12 H. Any person convicted of violating any provisions of this
13 section shall be punished by the imposition of a fine of not less
14 than Fifty Dollars (\$50.00) nor more than ~~Two Hundred Dollars~~
15 ~~(\$200.00)~~ Five Hundred Dollars (\$500.00), or by imprisonment in the
16 county jail for thirty (30) days, or by both said fine and
17 imprisonment.

18 SECTION 2. AMENDATORY 29 O.S. 2001, Section 6-304, as
19 amended by Section 2, Chapter 149, O.S.L. 2006 (29 O.S. Supp. 2006,
20 Section 6-304), is amended to read as follows:

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

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

5 C. ~~Areas~~ Excluding land primarily devoted to farming, ranching,
6 or forestry purposes as set forth in Section 1835.2 of Title 21 of
7 the Oklahoma Statutes, areas exempt from the above provision are:

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

11 2. Land of the state which is not leased and occupied by a
12 resident, excluding school land.

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

21 E. Trespassing on lands which are fenced and exhibit posted
22 signs at all entrances is hereby prohibited. Trespassing on land
23 primarily devoted to farming, ranching, or forestry purposes as set
24 forth in Section 1835.2 of Title 21 of the Oklahoma Statutes is

1 hereby prohibited. Hunters and fishermen in violation of this
2 provision of this Code shall be subject to fines as outlined in
3 subsection F of this section.

4 F. Any person convicted of violating provisions of this section
5 shall be punished by a fine of not less than ~~Ten Dollars (\$10.00)~~
6 Fifty Dollars (\$50.00) nor more than ~~One Hundred Dollars (\$100.00)~~
7 Five Hundred Dollars (\$500.00), or by imprisonment in the county
8 jail for thirty (30) days, or by both such fine and imprisonment.

9 SECTION 3. This act shall become effective November 1, 2007.

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