

1 ENGROSSED SENATE
2 BILL NO. 453

By: Schulz of the Senate

3 and

4 Schwartz of the House

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6
7 [damages - wrongful injuries - crops and livestock -
8 effective date]

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

11 SECTION 1. AMENDATORY 23 O.S. 2001, Section 72, is
12 amended to read as follows:

13 Section 72. A. For wrongful injuries to timber, crops, or
14 livestock upon the land of another, or removal thereof, the measure
15 of damages is not less than three (3) times nor more than ten (10)
16 times such a sum as would compensate for the actual detriment,
17 unless:

18 1. The trespass was casual and involuntary;

19 2. Committed under the belief that the timber, crops,

20 livestock, or land belonged to the trespasser; or

21 3. The timber was taken by the authority of highway officers
22 for the purposes of a highway,
23 in which case the damages are a sum equal to the actual detriment.

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1 B. The prevailing party shall be entitled to costs and
2 attorneys fees.

3 C. For purposes of this section, ~~the term "timber":~~

4 1. "Timber" shall be defined as the term is defined by Section
5 ~~1301-102~~ 16-2 of Title 2 of the Oklahoma Statutes.

6 2. "Crops" shall be defined as the term is defined by Section
7 5-104 of Title 2 of the Oklahoma Statutes; and

8 3. "Livestock" shall be defined as the term is defined by
9 Section 1-3 of Title 2 of the Oklahoma Statutes.

10 SECTION 2. This act shall become effective November 1, 2009.

11 Passed the Senate the 5th day of March, 2009.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the ____ day of _____,
16 2009.

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Presiding Officer of the House
of Representatives

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