

1 2. As used in this section:

2 a. "land" means real property, roads, water,
3 watercourses, private ways, buildings, structures, and
4 machinery or equipment when attached to realty. ~~The~~
5 ~~term "land" shall not include any land that is used~~
6 ~~primarily for farming or ranching activities or to any~~
7 ~~roads, water, watercourses, private ways, buildings,~~
8 ~~structures, and machinery or equipment when attached~~
9 ~~to realty which is used primarily for farming or~~
10 ~~ranching activities,~~

11 b. "outdoor recreational purposes" includes any of the
12 following, or any combination thereof: hunting,
13 fishing, swimming, boating, camping, picnicking,
14 hiking, pleasure driving, jogging, cycling, other
15 sporting events and activities, nature study, water
16 skiing, jet skiing, winter sports, ~~and~~ viewing or
17 enjoying historical, archaeological, scenic, or
18 scientific sites, and aviation, including landing at
19 and taking off from private nonpublic-use airports,

20 c. "owner" means the possessor of a fee interest, a
21 tenant, lessee, occupant, or person in control of the
22 land, and
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1 d. "charge" means the admission price or fee asked in
2 return for invitation or permission to enter or go
3 upon the land. The term "charge" shall not include a
4 license or permit fee imposed by a governmental entity
5 for the purpose of regulating the use of land, a water
6 or park area, or lake reservation and shall not
7 include hunting, fishing, boating, and other license
8 and permit fees, including hunting or fishing leases,
9 and shall not include donations made for landing at
10 and taking off from private nonpublic-use airports.

11 B. An owner who provides the public with land for outdoor
12 recreational purposes owes no duty of care to keep the land safe for
13 entry or use by others, or to give warning to persons entering or
14 using the land of any hazardous conditions, structures, or
15 activities.

16 C. 1. Except as otherwise provided by this section, an owner
17 who provides the public with land for outdoor recreational purposes
18 shall not:

- 19 a. be presumed to extend any assurance that the land is
20 safe for any purpose,
21 b. incur any duty of care toward a person who enters or
22 uses the land, or
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1 c. assume any liability or responsibility for any injury
2 to persons or property caused by the act or omission
3 of a person who enters or uses the land.

4 2. This subsection applies whether the person entering or using
5 the land is an invitee, licensee, trespasser, or otherwise.

6 D. This section shall not apply if:

7 1. Any charge is made or is usually made for entering or using
8 any part of the land; or

9 2. Any commercial or other activity for profit directly related
10 to the use is conducted on any part of the land.

11 E. 1. An owner of land leased to the state or to other public
12 entity for outdoor recreational purposes owes no duty of care to
13 keep the land safe for entry or use by others, or to give warning to
14 persons entering or using the land of any hazardous conditions,
15 structures, or activities. Any owner who leases or subleases land
16 to the state or other public entity for outdoor recreational
17 purposes shall not:

18 a. be presumed to extend any assurance that the land is
19 safe for any purpose,

20 b. incur any duty of care toward a person who enters or
21 uses the leased land, or

1 c. become liable or responsible for any injury to persons
2 or property caused by the act or omission of a person
3 who enters or uses the leased land.

4 2. This subsection applies whether the person entering or using
5 the leased land is an invitee, licensee, trespasser, or otherwise,
6 notwithstanding any other section of law.

7 F. 1. Except as provided in this section, no person is
8 relieved of liability which would exist for want of ordinary care or
9 for deliberate, willful, or malicious injury to persons or property.
10 The provisions shall not create or increase the liability of any
11 person.

12 2. This section shall not relieve any owner of any liability
13 for the operation and maintenance of structures affixed to real
14 property by the owner for use by the general public.

15 G. By entering or using land, no person shall be deemed to be
16 acting as an employee or agent of the owner whether the entry or use
17 is with or without the knowledge or consent of the owner.

18 H. The provisions of this section shall not apply to any land
19 that is used primarily for farming or ranching activities or to
20 roads, water, watercourses, private ways, buildings, structures, and
21 machinery or equipment when attached to realty which is used
22 primarily for farming or ranching activities.

1 I. Sections ~~26~~ 16-71.1 through ~~32~~ 16-71.7 of ~~this act~~ Title 2
2 of the Oklahoma Statutes shall govern such land.

3 SECTION 2. This act shall become effective November 1, 2012.

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/21/2012 - DO
6 PASS, As Coauthored.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.