

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1270

By: Wyrick

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Wildlife Conservation
8 Code; amending 29 O.S. 2011, Section 5-202, which
9 relates to activity on the land of another;
10 permitting persons to retrieve hunting dogs on the
11 land of another under certain conditions; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 5-202, is
15 amended to read as follows:

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

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

23 C. Excluding land primarily devoted to farming, ranching, or
24 forestry purposes as set forth in Section 1835.2 of Title 21 of the

1 Oklahoma Statutes, areas exempt from the provisions of subsection A
2 of this section are:

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

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

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

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

19 F. The consent of any owner, lessee or occupant of land
20 authorizing a person to hunt, fish or engage in any recreational
21 activity upon the land of any such owner, lessee or occupant shall
22 not be construed to create any additional duty of care or impose any
23 additional liability other than specified by Sections 16-71.2 and
24 16-71.3 of Title 2 of the Oklahoma Statutes.

1 G. The obtaining of consent from any owner, lessee or occupant
2 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 the person may have in the
5 absence of obtaining such consent to exercise care in the use of
6 such land and in activities thereon, or from the legal consequences
7 of failure to employ such care.

8 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 Five Hundred Dollars
11 (\$500.00), or by imprisonment in the county jail for thirty (30)
12 days, or by both said fine and imprisonment.

13 I. Unless forbidden to do so, either orally or in writing, by
14 the owner or lawful occupier of the land, persons in the sole act of
15 retrieving their hunting dogs shall not be charged with hunting
16 without permission or illegal trespass provided they are not
17 carrying a firearm or attempting to take wildlife.

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

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