

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 931 By: Justice of the Senate
3 and
4 Biggs of the House
5
6

7 An Act relating to liability for agritourism
8 activities; creating the Oklahoma Agritourism
9 Activities Liability Limitations Act; providing short
10 title; defining terms; limiting liability for certain
11 professional under certain circumstances; requiring
12 certain warning; prohibiting certain actions;
13 requiring certain plea under specified circumstances;
14 providing exceptions; requiring certain warning;
15 specifying contents of certain warning notice;
16 requiring certain warning notice in certain
17 contracts; providing for loss of immunity for certain
18 noncompliance; providing for codification; and
19 declaring an emergency.

20 AUTHOR: Add the following House Coauthor: Vaughan

21 AUTHOR: Add the following Senate Coauthor: Fields

22 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
23 and insert

24 "An Act relating to agriculture; amending 2 O.S.
2011, Section 16-71.1, which relates to the Oklahoma
Limitation of Liability for Farming and Ranching
Land Act; modifying definitions; and providing an
effective date.

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

2 SECTION 1. AMENDATORY 2 O.S. 2011, Section 16-71.1, is
3 amended to read as follows:

4 Section 16-71.1 A. Sections ~~26~~ 16-71.1 through ~~32~~ 16-71.7 of
5 this ~~act~~ title shall be known and may be cited as the "Oklahoma
6 Limitation of Liability for Farming and Ranching Land Act".

7 B. 1. The purpose of the Oklahoma Limitation of Liability for
8 Farming and Ranching Land Act is to encourage owners of farming and
9 ranching lands to make such land available for recreational purposes
10 by limiting their liability to persons entering or using the farm
11 and ranch land and to third persons who may be damaged by the acts
12 or omissions of persons entering upon or using these lands.

13 2. The Oklahoma Limitation of Liability for Farming and
14 Ranching Land Act applies only to an owner of land who does not
15 charge more than Ten Dollars (\$10.00) per acre per year for that
16 land used for recreational purposes.

17 C. As used in the Oklahoma Limitation of Liability for Farming
18 and Ranching Land Act:

19 1. "Land" means land which is used for farming, ranching
20 activities and recreational purposes, as defined in this section,
21 including, but not limited to, roads, water, watercourses, private
22 ways, buildings, structures, and machinery or equipment when
23 attached to realty which is used primarily for farming or ranching
24 activities;

1 2. "Owner" means the possessor of a fee interest, a tenant,
2 lessee, occupant or person in control of the premises but shall not
3 include a tenant, lessee, occupant or person in control of the
4 premises who is engaging in any recreational purpose described in
5 paragraph 3 of this subsection;

6 3. "Recreational purpose" includes any of the following, or any
7 combination thereof: hunting, fishing, wildlife and ecological
8 viewing or photography, recreational farming and ranching
9 activities, swimming, boating, camping, picnicking, hiking, pleasure
10 driving, jogging, cycling, other similar events and activities,
11 nature study, water skiing, winter sports, jet skiing, ~~and~~ viewing
12 or enjoying historical, archaeological, scenic, or scientific sites
13 and aviation, including fly-ins at private airports; and

14 4. "Charge" means the admission price or fee asked in return
15 for invitation or permission to enter or use the land. The term
16 "charge" shall not include a license or permit fee imposed by a
17 governmental entity for the purpose of regulating the use of land, a
18 water or park area, or lake reservation; shall not include hunting,
19 fishing, boating, and other license and permit fees; shall not
20 include hunting or fishing leases; and shall not include donations
21 made at fly-ins at private airports.

22 D. The Oklahoma Limitation of Liability for Farming and
23 Ranching Land Act shall not apply to any land that is used for
24 purposes other than farming and ranching. Such land shall be

1 governed by Section ~~25~~ 10.1 of ~~this act~~ Title 76 of the Oklahoma
2 Statutes.

3 SECTION 2. This act shall become effective November 1, 2013."

4 Passed the House of Representatives the 22nd day of April, 2013.

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6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2013.

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10 Presiding Officer of the Senate

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