An Act

ENROLLED SENATE
BILL NO. 931

By: Justice and Fields of the Senate

and

Biggs and Vaughan of the House

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.

SUBJECT: Agritourism

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 2nd day of May, 2013.

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Presiding Officer of the Senate

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

_____
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20 _____, at _____ o'clock _____ M.

By: _____