

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1305

 By: Murdock

7 AS INTRODUCED

8 An Act relating to roads, bridges and ferries;
9 authorizing the Oklahoma Department of Transportation
10 to issue permits to harvest hay along the right-of-
11 way of highways; requiring release eliminating
12 liability of the state; providing storage and removal
13 requirements; giving priority to certain landowners;
14 providing for permit fee; directing funds be
15 deposited in the State Highway Construction and
16 Maintenance Fund; authorizing Department to
17 promulgate rules; authorizing the counties to issue
18 permits to harvest hay along the right-of-way of
19 public roads; requiring release eliminating liability
20 of counties and the state; providing storage and
21 removal requirements; giving priority to certain
22 landowners; providing for permit fee; directing funds
23 be deposited in the county highway fund; authorizing
24 counties to establish regulations; providing for
 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 508 of Title 69, unless there is
created a duplication in numbering, reads as follows:

1 A. The Oklahoma Department of Transportation is authorized to
2 issue permits which authorize and regulate the harvesting of hay
3 along the right-of-way of highways of the State Highway System.

4 B. The applicant for a permit shall be informed in writing and
5 shall sign a release acknowledging that he or she will assume all
6 risk and liability for hay quality and for any accidents and damages
7 that may occur as a result of the work and that the State of
8 Oklahoma assumes no liability for the hay quality or for work done
9 by the permittee.

10 C. Any person who stores the harvested hay along the right of
11 way for later removal shall store the harvested hay at the outer
12 edge of the right of way and shall remove the harvested hay within
13 two (2) days after harvesting.

14 D. The owner or the owner's assignee of land abutting the
15 right-of-way shall have priority to receive a permit for such land
16 under this section.

17 E. The Department shall charge a permit fee in an amount
18 calculated to defray the costs of administering this section. All
19 fees received under this section shall be remitted to the state
20 treasurer for credit to the State Highway Construction and
21 Maintenance Fund.

22 F. The Department may promulgate rules and regulations to carry
23 out this section.

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 601.7 of Title 69, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The board of county commissioners is authorized to issue
5 permits which authorize and regulate the harvesting of hay along the
6 right-of-way of public roads of the county highway system within
7 their respective counties.

8 B. The applicant for a permit shall be informed in writing and
9 shall sign a release acknowledging that he or she will assume all
10 risk and liability for hay quality and for any accidents and damages
11 that may occur as a result of the work and that the county and State
12 of Oklahoma assume no liability for the hay quality or for work done
13 by the permittee.

14 C. Any person who stores the harvested hay along the right-of-
15 way for later removal shall store the harvested hay at the outer
16 edge of the right-of-way and shall remove the harvested hay within
17 two (2) days after harvesting.

18 D. The owner or the owner's assignee of land abutting the
19 right-of-way shall have priority to receive a permit for such land
20 under this section.

21 E. The county shall charge a permit fee in an amount calculated
22 to defray the costs of administering this section. All fees
23 received under this section shall be remitted to the county
24 treasurer for credit to the county highway fund.

1 F. Counties may establish regulations to carry out this
2 section.

3 SECTION 3. This act shall become effective November 1, 2017.
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5 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
6 dated 02/14/2017 - DO PASS.
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