

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1305

By: Murdock

AS INTRODUCED

An Act relating to roads, bridges and ferries; authorizing the Oklahoma Department of Transportation to issue permits to harvest hay along the right-of-way of highways; requiring release eliminating liability of the state; providing storage and removal requirements; giving priority to certain landowners; providing for permit fee; directing funds be deposited in the State Highway Construction and Maintenance Fund; authorizing Department to promulgate rules; authorizing the counties to issue permits to harvest hay along the right-of-way of public roads; requiring release eliminating liability of counties and the state; providing storage and removal requirements; giving priority to certain landowners; providing for permit fee; directing funds be deposited in the county highway fund; authorizing 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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