

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 306

By: Haste of the Senate

and

Humphrey of the House

COMMITTEE SUBSTITUTE

An Act relating to landowner liability; amending 76 O.S. 2011, Section 10.1, as amended by Section 1, Chapter 225, O.S.L. 2013 (76 O.S. Supp. 2020, Section 10.1), which relates to landowner liability; modifying provisions related to liability based on designated uses; and providing an effective date.

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

SECTION 1. AMENDATORY 76 O.S. 2011, Section 10.1, as amended by Section 1, Chapter 225, O.S.L. 2013 (76 O.S. Supp. 2020, Section 10.1), is amended to read as follows:

Section 10.1 A. 1. The purpose of this section is to encourage landowners to make land available to the public for outdoor recreational purposes by limiting their liability to persons entering upon and using such land and to third persons who may be damaged by the acts or omissions of persons going upon these lands.

1 2. As used in this section:

- 2 a. "land" means real property, roads, water,
3 watercourses, private ways, buildings, structures, and
4 machinery or equipment when attached to realty,
- 5 b. "outdoor recreational purposes" includes any of the
6 following, or any combination thereof: hunting,
7 fishing, swimming, boating, camping, picnicking,
8 hiking, pleasure driving, jogging, cycling, other
9 sporting events and activities, nature study, water
10 skiing, jet skiing, winter sports, viewing or enjoying
11 historical, archaeological, scenic, or scientific
12 sites, and aviation at non-public-use airports,
- 13 c. "owner" means the possessor of a fee interest, a
14 tenant, lessee, occupant, or person in control of the
15 land,
- 16 d. "charge" means the admission price or fee asked in
17 return for invitation or permission to enter or go
18 upon the land. The term "charge" shall not include:
19 (1) a license or permit fee imposed by a governmental
20 entity for the purpose of regulating the use of
21 land, a water or park area, or lake reservation,
22 (2) hunting, fishing, boating, and other license and
23 permit fees,
24 (3) hunting or fishing leases, or

1 (4) donations made at fly-ins at non-public-use
2 airports, and

3 e. "non-public-use airport" means an airport that is
4 primarily used by the owner with access to the public
5 as permitted by the owner.

6 B. An owner who provides the public with land for outdoor
7 recreational purposes owes no duty of care to keep the land safe for
8 entry or use by others, or to give warning to persons entering or
9 using the land of any hazardous conditions, structures, or
10 activities.

11 C. 1. Except as otherwise provided by this section, an owner
12 who provides the public with land for outdoor recreational purposes
13 shall not:

14 a. be presumed to extend any assurance that the land is
15 safe for any purpose,

16 b. incur any duty of care toward a person who enters or
17 uses the land, or

18 c. assume any liability or responsibility for any injury
19 to persons or property caused by the act or omission
20 of a person who enters or uses the land.

21 2. This subsection applies whether the person entering or using
22 the land is an invitee, licensee, trespasser, or otherwise.

23 D. ~~This section shall not apply if:~~
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1 ~~1. Any charge is made or is usually made for entering or using~~
2 ~~any part of the land; or~~

3 ~~2. Any commercial or other activity for profit directly related~~
4 ~~to the use is conducted on any part of the land.~~

5 ~~E.~~ 1. An owner of land leased to the state or to other public
6 entity for outdoor recreational purposes owes no duty of care to
7 keep the land safe for entry or use by others, or to give warning to
8 persons entering or using the land of any hazardous conditions,
9 structures, or activities. Any owner who leases or subleases land
10 to the state or other public entity for outdoor recreational
11 purposes shall not:

12 a. be presumed to extend any assurance that the land is
13 safe for any purpose,

14 b. incur any duty of care toward a person who enters or
15 uses the leased land, or

16 c. become liable or responsible for any injury to persons
17 or property caused by the act or omission of a person
18 who enters or uses the leased land.

19 2. This subsection applies whether the person entering or using
20 the leased land is an invitee, licensee, trespasser, or otherwise,
21 notwithstanding any other section of law.

22 ~~F.~~ E. 1. Except as provided in this section, no person is
23 relieved of liability which would exist for want of ordinary care or
24 for deliberate, willful, or malicious injury to persons or property.

1 The provisions shall not create or increase the liability of any
2 person.

3 2. This section shall not relieve any owner of any liability
4 for the operation and maintenance of structures affixed to real
5 property by the owner for use by the general public.

6 ~~G.~~ F. By entering or using land, no person shall be deemed to
7 be acting as an employee or agent of the owner whether the entry or
8 use is with or without the knowledge or consent of the owner.

9 ~~H.~~ G. The provisions of this section shall not apply to any
10 land that is used primarily for farming or ranching activities or to
11 roads, water, watercourses, private ways, buildings, structures, and
12 machinery or equipment when attached to realty which is used
13 primarily for farming or ranching activities.

14 The Oklahoma Limitation of Liability for Farming and Ranching
15 Land Act shall govern such land.

16 SECTION 2. This act shall become effective November 1, 2021.

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