

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4410

By: Lowe (Dick)

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5
6 AS INTRODUCED

7 An Act relating to fences; amending 4 O.S. 2021,
8 Sections 141 and 154, which relate to fence viewers
9 and lawful fences; amending who chooses fence
10 viewers; increasing maximum allowable fee to be paid
11 to fence viewers; changing who appoints fence viewers
12 if either of the interested parties fails to appoint
13 a viewer; providing that electric fences are lawful
14 fences in certain circumstances; providing
15 requirements for electric fences to be lawful fences;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 4 O.S. 2021, Section 141, is
19 amended to read as follows:

20 Section 141. Fence viewers herein designated shall consist of
21 three ~~(3)~~ disinterested freeholders, one to be chosen by each of the
22 interested parties, and ~~the two so~~ one chosen ~~shall choose the third~~
23 ~~person~~ by the board of county commissioners, and the three so chosen
24 shall proceed to discharge the duties of fence viewers as herein
provided. Such fence viewers to be allowed ~~One Dollar (\$1.00)~~ a fee
established by the board of county commissioners not to exceed
Twenty Dollars (\$20.00) per day each, to be paid by the interested

1 parties: Provided, that if either party shall fail or refuse to
2 appoint such fence viewers, as herein provided, within three (3)
3 days after so requested to do by the other interested party, then
4 the county ~~sheriff~~ clerk shall, on application of the party making
5 the request for fence viewers, appoint such fence viewer for such
6 party so failing or refusing to appoint.

7 SECTION 2. AMENDATORY 4 O.S. 2021, Section 154, is
8 amended to read as follows:

9 Section 154. A fence made of three rails of good substantial
10 material, or three boards not less than six (6) inches wide and
11 three-quarters (3/4) of an inch thick, such rails or boards to be
12 fastened in or to good substantial posts not more than ten (10) feet
13 apart where rails are used, and not more than eight (8) feet apart
14 where boards are used, where either wholly or in part substantially
15 built and kept in good repair, or any other kind of fence, which, in
16 the opinion of the fence viewers shall be equivalent thereto, shall
17 be declared a lawful fence: Provided, that the lowest or bottom
18 rail, wire or board shall not be more than twenty (20) or less than
19 sixteen (16) inches from the ground, and that such fence shall be
20 fifty-four (54) inches in height, except that a barb wire fence may
21 consist of three barb wires, or four wires, two of which shall be
22 barbed, the wires to be firmly fastened to the posts not more than
23 two (2) rods apart, with two stays between the posts, or with posts
24 not more than one (1) rod apart without such stays, the top wire to

1 be not less than fifty-four (54) nor more than fifty-eight (58)
2 inches in height, and the bottom wire to be not more than twenty
3 (20) or less than sixteen (16) inches from the ground: Provided,
4 further, that all partition fences may be made tight at the expense
5 of the party desiring it, and such party may take from such fence
6 the material by him added thereto whenever he may elect; provided,
7 an electrified fence, constructed to temporarily border grazing
8 lands for a specific grazing season, will be deemed a lawful fence
9 if it is at least one strand of 14-gauge wire (or its equivalent)
10 and not more than forty (40) inches from the ground but at least
11 twenty (20) inches from the ground. And provided, further, that
12 when the owner or occupants of adjoining lands both use the fence
13 for the purpose of restraining swine, goats or sheep, each of said
14 owners or occupants shall keep their respective share of the
15 partition fence sufficiently tight to restrain such sheep, goats or
16 swine.

17 SECTION 3. This act shall become effective November 1, 2022.

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19 58-2-9896 JL 01/07/22

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