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February 19, 2024

AS AMENDED

SENATE BILL NO. 1947

By: Alvord

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[ county roads - domestic animals - exemption - open
range road designation - construction - appeal -
liability - codification - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 2021, Section 99, is amended to read as follows:

Section 99. A. Any person who:

1. Willfully omits to keep a domestic animal such person owns
or has charge of within a suitable enclosure;

2. Allows the animal to be unrestrained or to run at large, with notice, actual or constructive, that the enclosure within which the animal is kept is open; or

3. Knowingly causes a domestic animal to escape confinement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each offense, or not more than thirty (30) days' imprisonment in the county jail for each offense, or by both fine and imprisonment.

1 B. The provisions of this section shall not be construed as
2 applying to domestic animals that are on a county road designated as
3 an open range road as provided for in Section 2 of this act.

4 C. For the purpose of this act, the term "domestic animals"
5 shall not include domestic house pets.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 646.1 of Title 69, unless there
8 is created a duplication in numbering, reads as follows:

9 As used in this act, an "open range road" means a road
10 maintained by the county that does not require livestock to be
11 fenced out of the roadway.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 646.2 of Title 69, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The board of county commissioners of a county may designate
16 a public road, as defined in Section 232 of Title 69 of the Oklahoma
17 Statutes, as an open range road according to the following
18 procedure:

19 1. A proposal for such designation shall be upon a petition to
20 the board of county commissioners by a property owner who resides in
21 their county;

22 2. The proposal shall state the proposed action and clearly
23 show on a map of the area the location and terminals of the road.
24 The map shall also demonstrate that the property where the road is

1 located belongs to the property owner requesting such designation.
2 If the petition is in proper form, the board of county commissioners
3 shall promptly investigate the proposal to attest that according to
4 its records the road in question is within its jurisdiction and is
5 considered to be open for use by the general public, through grant
6 or ownership, by easement or dedication, by adverse possession, or
7 by open and notorious use, regardless of the frequency of
8 maintenance or lack thereof. If the board of county commissioners
9 determines that such road is not open for use by the general public,
10 or the petition was not in proper form, the board shall have grounds
11 to dismiss the request;

12 3. If the petition is in proper form, and the board of county
13 commissioners attests that such road in question is open for use by
14 the general public, the board shall set a hearing date. The
15 petitioner requesting such action, under the direction of the county
16 clerk, shall then notify those landowners whose property is
17 immediately affected by the road by providing ingress or egress to
18 their property. The notice shall be given by regular mail at least
19 twenty-one days (21) prior to the hearing date; and

20 4. Legal notice to the public shall be given by advertisement
21 in a newspaper of general circulation in the county setting forth
22 the facts and the date when the hearing will be held and the
23 petition acted upon. The notice shall be published once per week
24 for three (3) consecutive weeks at least twenty-one (21) days prior

1 to the hearing date. The notice shall be paid for by the petitioner
2 requesting such action, under the direction of the county clerk. A
3 record of all such proceedings shall be made by the county clerk.

4 B. In considering the proposal to designate an open range road,
5 the board of county commissioners shall hear testimony provided by
6 the petitioner and others who may testify at the hearing as to
7 whether the road should be so designated. Upon a decision by the
8 board of county commissioners to designate an open range road, a
9 cattle guard that meets industry-accepted standards shall be
10 installed at the access points of the road, the installation cost of
11 which shall be paid for by the petitioner. The board of county
12 commissioners shall pay for and erect at the access points of such
13 road signage clearly indicating that such roadway is an open range
14 road.

15 C. If the board of county commissioners should deny such
16 designation, the petitioner taking such action may appeal such
17 decision to the district court, conditioned that the appellant will
18 prosecute his or her appeal without delay. The appeal shall be
19 taken within ten (10) days after the board of county commissioners
20 makes such determination, by serving a written notice to the county
21 clerk, which notice shall set out in detail, in numbered paragraphs,
22 the grounds on which the appellant will rely on the appeal. A copy
23 of the notice, together with a certified transcript of the
24 proceedings, shall be immediately transmitted by the county clerk to

1 the clerk of the district court, who shall docket it as other cases
2 and set the same for speedy trial.

3 D. Neither the property owner nor the owner of livestock that
4 are on a property where such open range road is located are liable
5 for damages to any motor vehicle or occupants thereof caused by
6 collision with livestock on a designated open range road.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 646.3 of Title 69, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The board of county commissioners may remove the designation
11 of a public road as an open range road according to the following
12 procedure:

13 1. A proposal for such removal shall be upon a petition to the
14 board of county commissioners by at least fifty percent (50%) of
15 landowners whose property is immediately affected by the road by
16 providing ingress or egress to their property to the board of county
17 commissioners;

18 2. The petition shall state the proposed action and clearly
19 show on a map of the area the location and terminals of the road.
20 The map shall also demonstrate that such road provides ingress or
21 egress to the property of the petitioners requesting such removal.
22 If the petition is in proper form, the board of county commissioners
23 shall promptly investigate the proposal to attest that according to
24 its records the road in question is within its jurisdiction and is

1 considered to be open for use by the general public, through grant
2 or ownership, by easement or dedication, by adverse possession, or
3 by open and notorious use, regardless of the frequency of
4 maintenance or lack thereof. Additionally, the board shall
5 determine that such road has been designated as an open range road.
6 If the board of county commissioners determines that such road is
7 not open for use by the general public, was not designated as an
8 open range road, or the petition was not in proper form, the board
9 shall have grounds to dismiss the request;

10 3. If the petition is in proper form, and the board of county
11 commissioners attests that such road in question is open for use by
12 the general public and was previously designated as an open range
13 road, the board of county commissioners shall set a hearing date.
14 The petitioners requesting such action, under the direction of the
15 county clerk, shall then notify those landowners whose property is
16 immediately affected by the road by providing ingress or egress to
17 their property and who are not part of the petition, as well as the
18 owner of the property primarily benefitted by the open range road.
19 The notice shall be given by regular mail at least twenty-one days
20 (21) prior to the hearing date; and

21 4. Legal notice to the public shall be given by advertisement
22 in a newspaper of general circulation in the county setting forth
23 the facts and the date when the hearing will be held and the
24 petition acted upon. The notice shall be published once per week

1 for three (3) consecutive weeks at least twenty-one (21) days prior
2 to the hearing date. The notice shall be paid for by the
3 petitioners requesting such action, under the direction of the
4 county clerk. A record of all such proceedings shall be made by the
5 county clerk.

6 B. In considering the proposal to remove a public road from
7 designation as an open range road, the board of county commissioners
8 shall hear testimony provided by the petitioners and others who may
9 testify at the hearing as to whether the designation of the road
10 should be so removed. Upon a decision by the board of county
11 commissioners to remove the designation of a public road as an open
12 range road, the board shall require that any installed cattle guards
13 be removed, the removal cost of which shall be paid for by the
14 petitioners. Additionally, the board of county commissioners shall
15 pay for the removal of any road signage that indicates that such
16 roadway was an open range road.

17 C. If the board of county commissioners should deny such
18 removal of designation, the petitioners taking such action may
19 appeal such decision to the district court, conditioned that the
20 appellants will prosecute their appeal without delay. The appeal
21 shall be taken within ten (10) days after the board of county
22 commissioners makes such determination, by serving a written notice
23 to the county clerk, which notice shall set out in detail, in
24 numbered paragraphs, the grounds on which the appellant will rely on

1 the appeal. A copy of the notice, together with a certified
2 transcript of the proceedings, shall be immediately transmitted by
3 the county clerk to the clerk of the district court, who shall
4 docket it as other cases and set the same for speedy trial.

5 SECTION 5. This act shall become effective November 1, 2024.

6 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS
7 February 19, 2024 - DO PASS AS AMENDED
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