

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1947

By: Alvord

AS INTRODUCED

An Act relating to county roads; amending 4 O.S. 2021, Section 99, which relates to the enclosure of domestic animals; providing certain exemption; defining term; allowing for open range road designation; creating certain process for open range road designation; requiring certain construction; providing for appeal to district court; allowing for the removal of open range road designation; exempting certain individuals from certain liability; creating certain process for removal of open range road designation; requiring removal of certain construction; providing for appeal to district court; providing for codification; and providing an effective date.

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

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

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

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

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

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

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

20 A. The board of county commissioners of a county may designate
21 a public road, as defined in Section 232 of Title 69 of the Oklahoma
22 Statutes, as an open range road according to the following
23 procedure:
24

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

4 2. The proposal shall state the proposed action and clearly
5 show on a map of the area the location and terminals of the road.
6 The map shall also demonstrate that the property where the road is
7 located belongs to the property owner requesting such designation.
8 If the petition is in proper form, the board of county commissioners
9 shall promptly investigate the proposal to attest that according to
10 its records the road in question is within its jurisdiction and is
11 considered to be open for use by the general public, through grant
12 or ownership, by easement or dedication, by adverse possession, or
13 by open and notorious use, regardless of the frequency of
14 maintenance or lack thereof. If the board of county commissioners
15 determines that such road is not open for use by the general public,
16 or the petition was not in proper form, the board shall have grounds
17 to dismiss the request;

18 3. If the petition is in proper form, and the board of county
19 commissioners attests that such road in question is open for use by
20 the general public, the board shall set a hearing date. The
21 petitioner requesting such action, under the direction of the county
22 clerk, shall then notify those landowners whose property is
23 immediately affected by the road by providing ingress or egress to
24

1 their property. The notice shall be given by regular mail at least
2 twenty-one days (21) prior to the hearing date; and

3 4. Legal notice to the public shall be given by advertisement
4 in a newspaper of general circulation in the county setting forth
5 the facts and the date when the hearing will be held and the
6 petition acted upon. The notice shall be published once per week
7 for three (3) consecutive weeks at least twenty-one (21) days prior
8 to the hearing date. The notice shall be paid for by the petitioner
9 requesting such action, under the direction of the county clerk. A
10 record of all such proceedings shall be made by the county clerk.

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

22 C. If the board of county commissioners should deny such
23 designation, the petitioner taking such action may appeal such
24 decision to the district court, conditioned that the appellant will

1 prosecute his or her appeal without delay. The appeal shall be
2 taken within ten (10) days after the board of county commissioners
3 makes such determination, by serving a written notice to the county
4 clerk, which notice shall set out in detail, in numbered paragraphs,
5 the grounds on which the appellant will rely on the appeal. A copy
6 of the notice, together with a certified transcript of the
7 proceedings, shall be immediately transmitted by the county clerk to
8 the clerk of the district court, who shall docket it as other cases
9 and set the same for speedy trial.

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

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

17 A. The board of county commissioners may remove the designation
18 of a public road as an open range road according to the following
19 procedure:

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

1 2. The petition shall state the proposed action and clearly
2 show on a map of the area the location and terminals of the road.
3 The map shall also demonstrate that such road provides ingress or
4 egress to the property of the petitioners requesting such removal.
5 If the petition is in proper form, the board of county commissioners
6 shall promptly investigate the proposal to attest that according to
7 its records the road in question is within its jurisdiction and is
8 considered to be open for use by the general public, through grant
9 or ownership, by easement or dedication, by adverse possession, or
10 by open and notorious use, regardless of the frequency of
11 maintenance or lack thereof. Additionally, the board shall
12 determine that such road has been designated as an open range road.
13 If the board of county commissioners determines that such road is
14 not open for use by the general public, was not designated as an
15 open range road, or the petition was not in proper form, the board
16 shall have grounds to dismiss the request;

17 3. If the petition is in proper form, and the board of county
18 commissioners attests that such road in question is open for use by
19 the general public and was previously designated as an open range
20 road, the board of county commissioners shall set a hearing date.
21 The petitioners requesting such action, under the direction of the
22 county clerk, shall then notify those landowners whose property is
23 immediately affected by the road by providing ingress or egress to
24 their property and who are not part of the petition, as well as the

1 owner of the property primarily benefitted by the open range road.
2 The notice shall be given by regular mail at least twenty-one days
3 (21) prior to the hearing date; and

4 4. Legal notice to the public shall be given by advertisement
5 in a newspaper of general circulation in the county setting forth
6 the facts and the date when the hearing will be held and the
7 petition acted upon. The notice shall be published once per week
8 for three (3) consecutive weeks at least twenty-one (21) days prior
9 to the hearing date. The notice shall be paid for by the
10 petitioners requesting such action, under the direction of the
11 county clerk. A record of all such proceedings shall be made by the
12 county clerk.

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

1 C. If the board of county commissioners should deny such
2 removal of designation, the petitioners taking such action may
3 appeal such decision to the district court, conditioned that the
4 appellants will prosecute their appeal without delay. The appeal
5 shall be taken within ten (10) days after the board of county
6 commissioners makes such determination, by serving a written notice
7 to the county clerk, which notice shall set out in detail, in
8 numbered paragraphs, the grounds on which the appellant will rely on
9 the appeal. A copy of the notice, together with a certified
10 transcript of the proceedings, shall be immediately transmitted by
11 the county clerk to the clerk of the district court, who shall
12 docket it as other cases and set the same for speedy trial.

13 SECTION 5. This act shall become effective November 1, 2024.
14

15 59-2-2751 MSBB 1/18/2024 12:54:09 PM
16
17
18
19
20
21
22
23
24
25