

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1737

By: Townley

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to lodging establishments; amending
9 15 O.S. 2021, Section 508, which relates to ejection
10 of lodging guest; providing that after a lodging
11 establishment guest is ejected they are considered a
12 trespasser and not a guest; providing for removal of
13 ejected guests by police for trespassing; amending 21
14 O.S. 2021, Section 1835, which relates to criminal
15 trespassing; providing that ejected lodging guests
16 are considered to be criminally trespassing; amending
17 41 O.S. 2021, Section 104, which relates to
18 arrangements not covered by the Oklahoma Residential
19 Landlord Tenant Act; clarifying that transient
20 occupancy regardless of duration is exempt; providing
21 an effective date.

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

23 SECTION 1. AMENDATORY 15 O.S. 2021, Section 508, is
24 amended to read as follows:

Section 508. A. An innkeeper may eject a person from the
lodging establishment premises for any of the following:

1. Nonpayment of the lodging establishment charges for
accommodations or services;

1 2. The ~~minor~~ individual is disorderly or visibly intoxicated,
2 so as to create a public nuisance;

3 3. The innkeeper reasonably believes that the ~~minor~~ individual
4 is using the premises for unlawful purposes including, but not
5 limited to, the unlawful use or possession of controlled substances
6 or for the consumption of alcohol by any person under the age of
7 twenty-one (21) years in violation of any statute, ordinance or
8 regulation;

9 4. Violations of any federal, state or local laws or
10 regulations relating to the lodging establishment; or

11 5. Violations of any rule of the lodging establishment which is
12 posted in a conspicuous place and manner in the lodging
13 establishment, however, no such rule may authorize the innkeeper to
14 eject or to refuse or deny service or accommodations to a person
15 because of race, creed, color, national origin, sex, disability or
16 marital status.

17 B. After an innkeeper informs a person that he or she is being
18 ejected for a reason stated in subsection A of this section the
19 person is now considered a trespasser and not a guest of the lodging
20 establishment. If the person fails to vacate the lodging
21 establishment after being told of his or her ejection by the
22 innkeeper, the person shall be removed from the lodging
23 establishment by law enforcement for trespassing pursuant to Section
24 1835 of Title 21 of the Oklahoma Statutes.

1 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1835, is
2 amended to read as follows:

3 Section 1835. A. Whoever shall willfully or maliciously enter
4 the garden, yard, pasture or field of another after being expressly
5 forbidden to do so or without permission by the owner or lawful
6 occupant thereof, or a person failing to leave lodging establishment
7 premises pursuant to Section 508 of Title 15 of the Oklahoma
8 Statutes, shall be deemed guilty of trespass and upon conviction
9 shall be punished by a fine of not more than Two Hundred Fifty
10 Dollars (\$250.00); provided, that this provision shall not apply to
11 registered land surveyors and registered professional engineers for
12 the purpose of land surveying in the performance of their
13 professional services; and, provided further, that anyone who
14 willfully or maliciously enters any such garden, yard, pasture or
15 field, and therein commits or attempts to commit waste, theft or
16 damage shall be deemed guilty of a misdemeanor and upon conviction
17 shall be fined not less than Fifty Dollars (\$50.00) nor more than
18 Five Hundred Dollars (\$500.00), or by confinement in the county jail
19 for not less than thirty (30) days nor more than six (6) months, or
20 both such fine and imprisonment.

21 1. This provision shall not apply to:

- 22 a. peace officers as defined in Section 99 of this title,
- 23 b. federal, state or local government employees engaged
24 in the performance of their duties,

- 1 c. firefighters, emergency medical personnel or public
2 utility employees engaged in addressing an emergency
3 that presents an imminent danger to health, safety or
4 the environment in the performance of their duties, or
5 d. parties engaged in oil and gas operations, which shall
6 include, without limitation, exploration, drilling,
7 production and sales activities, under authority of
8 mineral ownership, an oil and gas lease, seismic
9 agreement or permit, gas gathering, purchase,
10 transportation or treating contracts, Corporation
11 Commission or other lawful authority from persons
12 entitled to give the same;

13 2. The provisions of this section shall not prohibit:

- 14 a. railroad employees and emergency equipment from
15 entering such land to restore rail service following
16 an accident, derailment or natural disaster,
17 b. the entrance of utility employees or contractors while
18 acting in the scope of their employment, or
19 c. employees or contractors of valid easement or license
20 holders while acting in the scope of their employment;

21 3. The following persons may enter such land of another unless
22 forbidden to do so, either orally or in writing, by the owner or
23 lawful occupier thereof:
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- a. registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services,
- b. persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or
- c. persons who have a legitimate reason for entering and who, immediately upon entering, seek to conduct business.

B. Anyone who willfully or maliciously enters any such land of another and commits or attempts to commit waste, theft or damage shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

C. No provisions of this section shall be construed to conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

D. Whoever shall willfully enter the pecan grove of another without the prior consent of the owner or occupant thereof to so do shall be deemed guilty of trespass and upon conviction shall be punished by a fine of not more than Twenty-five Dollars (\$25.00); provided, that anyone who willfully enters any such pecan grove and therein commits or attempts to commit waste, theft or damage shall

1 be deemed guilty of a misdemeanor and upon conviction shall be
2 punished by a fine of not more than Five Hundred Dollars (\$500.00),
3 or by imprisonment in the county jail for not more than six (6)
4 months, or by both such fine and imprisonment.

5 E. Whoever shall willfully or maliciously enter upon property
6 owned or managed by the Grand River Dam Authority without permission
7 shall be deemed guilty of misdemeanor trespass and upon conviction
8 shall be punished by a fine of not more than Two Hundred Fifty
9 Dollars (\$250.00); provided, that this provision shall not apply to
10 registered land surveyors and registered professional engineers for
11 the purpose of land surveying in the performance of their
12 professional services; and, provided further, that anyone who
13 willfully or maliciously enters upon property owned or managed by
14 the Grand River Dam Authority without permission and therein commits
15 or attempts to commit waste, theft or damage shall be deemed guilty
16 of misdemeanor trespass and upon conviction shall be punished by a
17 fine of not less than Fifty Dollars (\$50.00) nor more than Five
18 Hundred Dollars (\$500.00), or by imprisonment in the county jail for
19 not less than thirty (30) days nor more than six (6) months, or by
20 both such fine and imprisonment.

21 F. Any person who shall willfully or maliciously enter the
22 grounds of the Governor's Mansion within the State Capitol Park, as
23 defined in Section 1811.4 of Title 74 of the Oklahoma Statutes,
24 except at a place where entry to the property is normally expected,

1 shall be deemed guilty of a misdemeanor and upon conviction shall be
2 punished by a fine of not more than Five Hundred Dollars (\$500.00),
3 or by imprisonment in the county jail for not less than thirty (30)
4 days nor more than six (6) months, or by both such fine and
5 imprisonment.

6 SECTION 3. AMENDATORY 41 O.S. 2021, Section 104, is
7 amended to read as follows:

8 Section 104. Unless created to avoid the application of this
9 act, the following arrangements are not governed by this act:

- 10 1. Residence at an institution, public or private, if
11 incidental to detention or the provision of medical, geriatric,
12 educational, counseling, religious or similar service;
- 13 2. Occupancy under a contract of sale or contract for deed of a
14 dwelling unit or of the property of which it is a part, if the
15 occupant is the purchaser or a person who succeeds to his interest;
- 16 3. Occupancy by a member of a fraternal or social organization
17 in a structure operated for the benefit of the organization;
- 18 4. Transient occupancy in a hotel, motel or other similar
19 lodging regardless of the length of the stay;
- 20 5. Occupancy by an owner of a condominium unit or a holder of a
21 proprietary lease in a cooperative; and
- 22 6. Occupancy under a rental agreement covering premises used by
23 the occupant primarily for agricultural purposes.

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SECTION 4. This act shall become effective November 1, 2023.

59-1-7478 GRS 02/15/23