

An Act

ENROLLED HOUSE
BILL NO. 1737

By: Townley of the House

and

Montgomery of the Senate

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

SUBJECT: Lodging establishments

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

SECTION 1. AMENDATORY 15 O.S. 2021, Section 508, is 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;

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

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

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

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

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

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

Section 1835. A. Whoever shall willfully or maliciously enter the garden, yard, pasture or field of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof, or a person failing to leave lodging establishment premises pursuant to Section 508 of Title 15 of the Oklahoma Statutes, shall be deemed guilty of trespass and upon conviction shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters any such garden, yard, pasture or field, and therein commits or attempts to commit waste, theft or

damage shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

1. This provision shall not apply to:
 - a. peace officers as defined in Section 99 of this title,
 - b. federal, state or local government employees engaged in the performance of their duties,
 - c. firefighters, emergency medical personnel or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety or the environment in the performance of their duties, or
 - d. parties engaged in oil and gas operations, which shall include, without limitation, exploration, drilling, production and sales activities, under authority of mineral ownership, an oil and gas lease, seismic agreement or permit, gas gathering, purchase, transportation or treating contracts, Corporation Commission or other lawful authority from persons entitled to give the same;
2. The provisions of this section shall not prohibit:
 - a. railroad employees and emergency equipment from entering such land to restore rail service following an accident, derailment or natural disaster,
 - b. the entrance of utility employees or contractors while acting in the scope of their employment, or
 - c. employees or contractors of valid easement or license holders while acting in the scope of their employment;
3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof:

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

E. Whoever shall willfully or maliciously enter upon property owned or managed by the Grand River Dam Authority without permission shall be deemed guilty of misdemeanor trespass and upon conviction shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters upon property owned or managed by the Grand River Dam Authority without permission and therein commits or attempts to commit waste, theft or damage shall be deemed guilty

of misdemeanor trespass and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

F. Any person who shall willfully or maliciously enter the grounds of the Governor's Mansion within the State Capitol Park, as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a place where entry to the property is normally expected, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

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

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

1. Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

2. Occupancy under a contract of sale or contract for deed of a dwelling unit or of the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest;

3. Occupancy by a member of a fraternal or social organization in a structure operated for the benefit of the organization;

4. Transient occupancy in a hotel, motel or other similar lodging regardless of the length of the stay;

5. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative; and

6. Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes.

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

Passed the House of Representatives the 13th day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____