

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1737

By: Townley

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8                                   COMMITTEE SUBSTITUTE

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

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

24                   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 1. Nonpayment of the lodging establishment charges for  
2 accommodations or services;
- 3 2. The ~~minor~~ individual is disorderly or visibly intoxicated,  
4 so as to create a public nuisance;
- 5 3. The innkeeper reasonably believes that the ~~minor~~ individual  
6 is using the premises for unlawful purposes including, but not  
7 limited to, the unlawful use or possession of controlled substances  
8 or for the consumption of alcohol by any person under the age of  
9 twenty-one (21) years in violation of any statute, ordinance or  
10 regulation;
- 11 4. Violations of any federal, state or local laws or  
12 regulations relating to the lodging establishment; or
- 13 5. Violations of any rule of the lodging establishment which is  
14 posted in a conspicuous place and manner in the lodging  
15 establishment, however, no such rule may authorize the innkeeper to  
16 eject or to refuse or deny service or accommodations to a person  
17 because of race, creed, color, national origin, sex, disability or  
18 marital status.
- 19 B. After an innkeeper informs a person that he or she is being  
20 ejected for a reason stated in subsection A of this section the  
21 person is now considered a trespasser and not a guest of the lodging  
22 establishment. If the person fails to vacate the lodging  
23 establishment after being told of his or her ejection by the  
24 innkeeper, the person shall be removed from the lodging

1 establishment by law enforcement for trespassing pursuant to Section  
2 1835 of Title 21 of the Oklahoma Statutes.

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

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

23 1. This provision shall not apply to:

24 a. peace officers as defined in Section 99 of this title,

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

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

- 16           a. railroad employees and emergency equipment from  
17           entering such land to restore rail service following  
18           an accident, derailment or natural disaster,  
19           b. the entrance of utility employees or contractors while  
20           acting in the scope of their employment, or  
21           c. employees or contractors of valid easement or license  
22           holders while acting in the scope of their employment;  
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1           3. The following persons may enter such land of another unless  
2 forbidden to do so, either orally or in writing, by the owner or  
3 lawful occupier thereof:

4           a. registered land surveyors and registered professional  
5 engineers for the purpose of land surveying in the  
6 performance of their professional services,

7           b. persons making a delivery, selling a product or  
8 service, conducting a survey or poll, working on  
9 behalf of a candidate for political office, or

10          c. persons who have a legitimate reason for entering and  
11 who, immediately upon entering, seek to conduct  
12 business.

13          B. Anyone who willfully or maliciously enters any such land of  
14 another and commits or attempts to commit waste, theft or damage  
15 shall be deemed guilty of a misdemeanor and upon conviction shall be  
16 punished by imprisonment in the county jail for a term of not less  
17 than thirty (30) days nor more than six (6) months, by a fine of not  
18 less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
19 (\$500.00), or by both such fine and imprisonment.

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

22          D. Whoever shall willfully enter the pecan grove of another  
23 without the prior consent of the owner or occupant thereof to so do  
24 shall be deemed guilty of trespass and upon conviction shall be

1 punished by a fine of not more than Twenty-five Dollars (\$25.00);  
2 provided, that anyone who willfully enters any such pecan grove and  
3 therein commits or attempts to commit waste, theft or damage shall  
4 be deemed guilty of a misdemeanor and upon conviction shall be  
5 punished by a fine of not more than Five Hundred Dollars (\$500.00),  
6 or by imprisonment in the county jail for not more than six (6)  
7 months, or by both such fine and imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
8 02/16/2023 - DO PASS, As Amended.

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