

1 **SENATE FLOOR VERSION**

2 April 10, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1737

By: Townley of the House

and

5
6 Montgomery of the Senate

7
8
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;

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.

24

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;

24

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.

6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
7 April 10, 2023 - DO PASS

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24