

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1737

By: Townley

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5  
6 AS INTRODUCED

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

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

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

24 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 is disorderly or visibly intoxicated, so as to  
create a public nuisance;

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

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

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

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

22 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1835, is  
23 amended to read as follows:  
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1 Section 1835. A. Whoever shall willfully or maliciously enter  
2 the garden, yard, pasture or field of another after being expressly  
3 forbidden to do so or without permission by the owner or lawful  
4 occupant thereof, or a person failing to leave lodging establishment  
5 premises pursuant to Section 508 of Title 15 of the Oklahoma  
6 Statutes, shall be deemed guilty of trespass and upon conviction  
7 shall be punished by a fine of not more than Two Hundred Fifty  
8 Dollars (\$250.00); provided, that this provision shall not apply to  
9 registered land surveyors and registered professional engineers for  
10 the purpose of land surveying in the performance of their  
11 professional services; and, provided further, that anyone who  
12 willfully or maliciously enters any such garden, yard, pasture or  
13 field, and therein commits or attempts to commit waste, theft or  
14 damage shall be deemed guilty of a misdemeanor and upon conviction  
15 shall be fined not less than Fifty Dollars (\$50.00) nor more than  
16 Five Hundred Dollars (\$500.00), or by confinement in the county jail  
17 for not less than thirty (30) days nor more than six (6) months, or  
18 both such fine and imprisonment.

- 19 1. This provision shall not apply to:
- 20 a. peace officers as defined in Section 99 of this title,
  - 21 b. federal, state or local government employees engaged  
22 in the performance of their duties,
  - 23 c. firefighters, emergency medical personnel or public  
24 utility employees engaged in addressing an emergency

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

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

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

19 3. The following persons may enter such land of another unless  
20 forbidden to do so, either orally or in writing, by the owner or  
21 lawful occupier thereof:

- 22 a. registered land surveyors and registered professional  
23 engineers for the purpose of land surveying in the  
24 performance of their professional services,

1           b. persons making a delivery, selling a product or  
2           service, conducting a survey or poll, working on  
3           behalf of a candidate for political office, or

4           c. persons who have a legitimate reason for entering and  
5           who, immediately upon entering, seek to conduct  
6           business.

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

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

16          D. Whoever shall willfully enter the pecan grove of another  
17 without the prior consent of the owner or occupant thereof to so do  
18 shall be deemed guilty of trespass and upon conviction shall be  
19 punished by a fine of not more than Twenty-five Dollars (\$25.00);  
20 provided, that anyone who willfully enters any such pecan grove and  
21 therein commits or attempts to commit waste, theft or damage shall  
22 be deemed guilty of a misdemeanor and upon conviction shall be  
23 punished by a fine of not more than Five Hundred Dollars (\$500.00),  
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1 or by imprisonment in the county jail for not more than six (6)  
2 months, or by both such fine and imprisonment.

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

19 F. Any person who shall willfully or maliciously enter the  
20 grounds of the Governor's Mansion within the State Capitol Park, as  
21 defined in Section 1811.4 of Title 74 of the Oklahoma Statutes,  
22 except at a place where entry to the property is normally expected,  
23 shall be deemed guilty of a misdemeanor and upon conviction shall be  
24 punished by a fine of not more than Five Hundred Dollars (\$500.00),

1 or by imprisonment in the county jail for not less than thirty (30)  
2 days nor more than six (6) months, or by both such fine and  
3 imprisonment.

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

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

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

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

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24 59-1-6378 JL 01/18/23