

1 **SENATE FLOOR VERSION**

2 February 11, 2025

3 SENATE BILL NO. 935

By: Jett

4
5
6 An Act relating to counties; creating the Citizen
7 Access to County Facilities Act; providing short
8 title; defining terms; exempting counties from
9 certain liability; providing exceptions; requiring
10 certain warning notice; clarifying certain rights;
11 providing for codification; and providing an
12 effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 420 of Title 19, unless there is
16 created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Citizen Access
18 to County Facilities Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 420.1 of Title 19, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in this act:

23 1. "County" means a county, county officer, or county employee;

24 2. "County facilities" means buildings or lands owned and
maintained by a county that include, but are not limited to:

- 1 a. park,
- 2 b. senior center,
- 3 c. barn, and
- 4 d. fairground;

5 3. "Inherent risks of an activity using county facilities"
6 means those dangers or conditions that are inherent in an event or
7 activity, including certain hazards, surface and subsurface
8 conditions, natural conditions of land, vegetation, and waters, and
9 ordinary dangers of structures or equipment present in county
10 facilities. Inherent risks of activity using county facilities also
11 include the potential of a participant to act in a negligent manner
12 that may contribute to the injury to the participant or others,
13 including failure to follow instructions given by the county or
14 failing to exercise reasonable caution; and

15 4. "Participant" means any person, other than a county officer
16 or county employee.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 420.2 of Title 19, unless there
19 is created a duplication in numbering, reads as follows:

20 A. In addition to any limitations of liability afforded
21 pursuant to The Governmental Tort Claims Act and except as provided
22 in subsection B of this section, a county shall not be liable for
23 injury to or death of a participant resulting from the inherent
24 risks of an activity using county facilities, so long as the warning

1 contained in Section 4 of this act is posted as required and, except
2 as provided in subsection B of this section, no participant or
3 participant's representative can maintain an action against or
4 recover damages from a county for injury, loss, damage, or death of
5 the participant resulting exclusively from any of the inherent risks
6 of an activity using county facilities. In any action for damages
7 against a county for an activity using county facilities, the county
8 must plead the affirmative defense of assumption of the inherent
9 risks of an activity using county facilities by the participant.

10 B. Nothing in subsection A of this section prevents or limits
11 the liability of a county if the county does either or both of the
12 following:

13 1. Commits an act or omission that constitutes willful or
14 wanton disregard for the safety of the participant, and that act or
15 omission proximately causes injury, damage, or death to the
16 participant; or

17 2. Has actual knowledge or reasonably should have known of a
18 dangerous condition present at county facilities used in the
19 activity and does not make the danger known to the participant, and
20 the danger proximately causes injury, damage, or death to the
21 participant.

22 C. Any limitation on legal liability afforded by this section
23 to a county is in addition to any other limitations of legal
24 liability otherwise provided by law.

1 D. The district attorney shall be allowed to issue an
2 indemnification of limited liability for the fair use of county
3 facilities for a county within his or her district.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 420.3 of Title 19, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Every county shall post and maintain signs that contain the
8 warning notice specified in subsection B of this section. The sign
9 shall be placed in a clearly visible location at the entrance or
10 entrances to county facilities and at the site of the activity using
11 county facilities. The warning notice shall consist of a sign in
12 black letters, with each letter to be a minimum of one (1) inch in
13 height. Every written contract entered into by a county for the
14 providing of county facilities for an activity shall contain in
15 clearly readable print the warning notice specified in subsection B
16 of this section.

17 B. The signs and contracts described in subsection A of this
18 section must contain the following notice of warning:

19 "WARNING:

20 Under Oklahoma law, there is no liability for an injury to or
21 death of a participant at an activity using county facilities.
22 Inherent risks of activities using county facilities include, among
23 others, risks of injury inherent to land and equipment, as well as
24 the potential for you to act in a negligent manner that may

1 contribute to your injury or death. You are assuming the risk of
2 participating in this activity using county facilities.”

3 C. Failure to comply with the requirements concerning warning
4 signs and notices provided in this section shall prevent a county
5 from invoking the privileges of immunity provided by this act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 420.4 of Title 19, unless there
8 is created a duplication in numbering, reads as follows:

9 The rights of Oklahomans to use county facilities shall not be
10 prohibited by any county in this state. All activities using county
11 facilities shall be conducted pursuant to law and in compliance with
12 health and safety zoning requirements, as well as health and safety
13 regulations.

14 SECTION 6. This act shall become effective November 1, 2025.

15 COMMITTEE REPORT BY: COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
16 February 11, 2025 - DO PASS

17
18
19
20
21
22
23
24