

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2964 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jim Olsen \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2964

By: Olsen

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to trespass; amending 21 O.S. 2021,  
9 Section 1835, as amended by Section 2, Chapter 159,  
10 O.S.L. 2023 (21 O.S. Supp. 2023, Section 1835), which  
11 relates to trespassing without permission; exempting  
12 certain parties from trespassing liabilities;  
13 requiring certain notice and waiting period before  
14 entry by certain parties; amending 69 O.S. 2021,  
15 Section 702, which relates to entry upon premises to  
16 make surveys and examinations for establishment or  
17 relocation of highways; requiring certain notice and  
18 waiting period before entry; and providing an  
19 effective date.

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

21 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1835, as  
22 amended by Section 2, Chapter 159, O.S.L. 2023 (21 O.S. Supp. 2023,  
23 Section 1835), is amended to read as follows:

24 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

1 Statutes, shall be deemed guilty of trespass and upon conviction  
2 shall be punished by a fine of not more than Two Hundred Fifty  
3 Dollars (\$250.00); provided, that this provision shall not apply to  
4 registered land surveyors and registered professional engineers for  
5 the purpose of land surveying in the performance of their  
6 professional services; and, provided further, that anyone who  
7 willfully or maliciously enters any such garden, yard, pasture or  
8 field, and therein commits or attempts to commit waste, theft or  
9 damage shall be deemed guilty of a misdemeanor and upon conviction  
10 shall be fined not less than Fifty Dollars (\$50.00) nor more than  
11 Five Hundred Dollars (\$500.00), or by confinement in the county jail  
12 for not less than thirty (30) days nor more than six (6) months, or  
13 both such fine and imprisonment.

14 1. This provision shall not apply to:

- 15 a. peace officers as defined in Section 99 of this title,
- 16 b. ~~federal, state or local government employees engaged~~  
17 ~~in the performance of their duties,~~
- 18 ~~e.~~ firefighters, emergency medical personnel or public  
19 utility employees engaged in addressing an emergency  
20 that presents an imminent danger to health, safety or  
21 the environment in the performance of their duties, ~~or~~
- 22 ~~d.~~
- 23 c. parties engaged in oil and gas operations, which shall  
24 include, without limitation, exploration, drilling,

1 production and sales activities, under authority of  
2 mineral ownership, an oil and gas lease, seismic  
3 agreement or permit, gas gathering, purchase,  
4 transportation or treating contracts, Corporation  
5 Commission or other lawful authority from persons  
6 entitled to give the same<sup>7</sup>,

7 d. railroad employees and emergency equipment entering  
8 such land to restore rail service following an  
9 accident, derailment, or natural disaster,

10 e. employees of the Oklahoma Corporation Commission  
11 operating in their official capacity as inspectors of  
12 wells and well sites, regulated petroleum storage tank  
13 systems, facilities and pollution sites, pipeline  
14 systems, commercial disposal wells and facilities,  
15 oil- and gas-related recycling facilities, drilling  
16 mud sites, off-site reserve pits, orphan well  
17 locations, commercial vehicle loading facilities,  
18 public utility and telecommunication lines or poles,  
19 providers of telecommunications services, providers of  
20 Lifeline service, electric vehicle charging stations,  
21 electric meters, electrical generation facilities,  
22 cotton gins or any form of emergency response within  
23 the Commission's jurisdiction,

- 1        f. the entrance of utility employees or contractors while  
2        acting in the scope of their employment, or  
3        g. registered land surveyors and registered professional  
4        engineers for the purpose of land surveying in the  
5        performance of their professional services.

6        2. The provisions of this section shall not ~~prohibit~~ apply to:

- 7        a. ~~railroad employees and emergency equipment from~~  
8        ~~entering such land to restore rail service following~~  
9        ~~an accident, derailment or natural disaster,~~  
10       b. ~~the entrance of utility employees or contractors while~~  
11       ~~acting in the scope of their employment, or~~  
12       e. employees or contractors of valid easement or license  
13       holders while acting in the scope of their  
14       employment, and  
15       b. federal, state, or local government employees engaged  
16       in the performance of their duties.

17       However, two forms of notice shall first be provided to the  
18       property owner and a seventy-two-hour waiting period shall be  
19       required before the above-mentioned parties may enter a property.  
20       The notice shall be given personally or in the form of a phone call,  
21       text message, email, or mail if sent with a return receipt service.  
22       The two notices must be in different forms. The seventy-two-hour  
23       waiting period shall commence after the property owner receives both  
24       notices. However, if the landowner acknowledges the first notice

1 and grants permission to enter their property, the requirement for a  
2 second form of notice shall not be required.

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

6 a. ~~registered land surveyors and registered professional~~  
7 ~~engineers for the purpose of land surveying in the~~  
8 ~~performance of their professional services,~~

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

12 ~~e.~~

13 b. persons who have a legitimate reason for entering and  
14 who, immediately upon entering, seek to conduct  
15 business.

16 B. Anyone who willfully or maliciously enters any such land of  
17 another and commits or attempts to commit waste, theft or damage  
18 shall be deemed guilty of a misdemeanor and upon conviction shall be  
19 punished by imprisonment in the county jail for a term of not less  
20 than thirty (30) days nor more than six (6) months, by a fine of not  
21 less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
22 (\$500.00), or by both such fine and imprisonment.

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

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

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

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

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

12 SECTION 2. AMENDATORY 69 O.S. 2021, Section 702, is  
13 amended to read as follows:

14 Section 702. The Department of Transportation, through its  
15 authorized agents and employees, may enter upon any lands, waters,  
16 and premises in the state for the purpose of making surveys,  
17 soundings and drillings, and examinations as may be determined  
18 necessary or convenient for the purpose of establishing, locating,  
19 relocating, constructing, and maintaining state highways or  
20 relocations thereof and facilities necessary and incidental thereto.  
21 Such entry shall not be deemed a trespass, nor shall an entry for  
22 such purpose be deemed an entry under any condemnation proceedings  
23 which may be then pending; ~~but notice shall be given to the owner of~~  
24



1 ~~or person residing on the premises, personally or by registered~~  
2 ~~mail, at least ten (10) days prior to such entry.~~

3 However, two forms of notice shall first be provided to the  
4 property owner or person residing on the premises and a seventy-two-  
5 hour waiting period shall be required before the above-mentioned  
6 parties may enter a property. The notice shall be given personally  
7 or in the form of a phone call, text message, email, or mail if sent  
8 with a return receipt service. The two notices must be in different  
9 forms. The seventy-two-hour waiting period shall commence after the  
10 property owner or person residing in the premises receives both  
11 notices. However, if the property owner or person residing in the  
12 premises acknowledges the first notice and grants permission to  
13 enter their property, the requirement for a second form of notice  
14 shall not be required.

15 SECTION 3. This act shall become effective November 1, 2024.

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17 59-2-9996 JL 02/07/24

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