

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 1305

By: Murdock and Bennett (John)
of the House

4 and

5 Boggs of the Senate

6
7
8 An Act relating to roads, bridges and ferries;
9 authorizing the Oklahoma Department of Transportation
10 to issue permits to harvest hay along the right-of-
11 way of highways; requiring release eliminating
12 liability of the state; providing storage and removal
13 requirements; giving priority to certain landowners;
14 providing for permit fee; directing funds be
15 deposited in the State Highway Construction and
16 Maintenance Fund; authorizing Department to
17 promulgate rules; authorizing the counties to issue
18 permits to harvest hay along the right-of-way of
19 public roads; requiring release eliminating liability
20 of counties and the state; providing storage and
21 removal requirements; giving priority to certain
22 landowners; providing for permit fee; directing funds
23 be deposited in the county highway fund; authorizing
24 counties to establish regulations; providing for
codification; and providing an effective date.

19 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

20
21 "An Act relating to roads, bridges and ferries;
22 authorizing the counties to issue permits to harvest
23 hay along the right-of-way of public roads; requiring
24 release eliminating liability of counties and the
state; providing storage and removal requirements;
requiring certain consent; giving priority to certain
landowners; providing for permit fee; directing funds
be deposited in the county highway fund; authorizing

1 counties to establish regulations; providing for
2 exemption from fee; requiring counties to require
3 minimum insurance coverage; providing for
4 codification; and providing an effective date.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 601.7 of Title 69, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The board of county commissioners is authorized to issue
9 permits which authorize and regulate the harvesting of hay along the
10 right-of-way of public roads of the county highway system within
11 their respective counties. Each permit shall authorize the
12 permittee to harvest hay for the duration of the calendar year.

13 B. The applicant for a permit shall be informed in writing and
14 shall sign a release acknowledging that he or she will assume all
15 risk and liability for hay quality and for any accidents and damages
16 that may occur as a result of the work and that the county and State
17 of Oklahoma assume no liability for the hay quality or for work done
18 by the permittee.

19 C. Any person who stores the harvested hay along the right-of-
20 way for later removal shall store the harvested hay at the outer
21 edge of the right-of-way and shall remove the harvested hay within
22 two (2) days after harvesting.

1 D. The county shall obtain consent from the owner whose land
2 abuts the right-of-way before issuing or reissuing a permit to
3 harvest hay. The owner may revoke his or her consent at any time.

4 E. The owner or the owner's assignee of land abutting the
5 right-of-way shall have priority to receive a permit for such land
6 under this section.

7 F. The county may charge a permit fee in an amount calculated
8 only to defray the actual costs of administering this section;
9 provided, that any owner or owner's assignee shall be granted a
10 permit at no cost when harvesting hay on the right-of-way abutting
11 that owner's land. All fees received under this section shall be
12 remitted to the county treasurer for credit to the county highway
13 fund.

14 G. Counties shall require permittees to carry and keep in force
15 liability insurance during the permit period. Counties shall
16 determine required minimum amounts of such coverage, which shall be
17 at least Three Hundred Thousand Dollars (\$300,000.00) for each
18 occurrence of bodily injury and One Hundred Thousand Dollars
19 (\$100,000.00) for each occurrence of property damage.

20 H. Counties may establish regulations to carry out this
21 section.

22 SECTION 2. This act shall become effective November 1, 2017."
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2 BILL NO. 1305

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7 An Act relating to roads, bridges and ferries;
8 authorizing the Oklahoma Department of Transportation
9 to issue permits to harvest hay along the right-of-
10 way of highways; requiring release eliminating
11 liability of the state; providing storage and removal
12 requirements; giving priority to certain landowners;
13 providing for permit fee; directing funds be
14 deposited in the State Highway Construction and
15 Maintenance Fund; authorizing Department to
16 promulgate rules; authorizing the counties to issue
17 permits to harvest hay along the right-of-way of
18 public roads; requiring release eliminating liability
19 of counties and the state; providing storage and
20 removal requirements; giving priority to certain
21 landowners; providing for permit fee; directing funds
22 be deposited in the county highway fund; authorizing
23 counties to establish regulations; providing for
24 codification; and providing an effective date.

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

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 508 of Title 69, unless there is
21 created a duplication in numbering, reads as follows:

22 A. The Oklahoma Department of Transportation is authorized to
23 issue permits which authorize and regulate the harvesting of hay
24 along the right-of-way of highways of the State Highway System.

1 B. The applicant for a permit shall be informed in writing and
2 shall sign a release acknowledging that he or she will assume all
3 risk and liability for hay quality and for any accidents and damages
4 that may occur as a result of the work and that the State of
5 Oklahoma assumes no liability for the hay quality or for work done
6 by the permittee.

7 C. Any person who stores the harvested hay along the right-of-
8 way for later removal shall store the harvested hay at the outer
9 edge of the right-of-way and shall remove the harvested hay within
10 two (2) days after harvesting.

11 D. The owner or the owner's assignee of land abutting the
12 right-of-way shall have priority to receive a permit for such land
13 under this section.

14 E. The Department shall charge a permit fee in an amount
15 calculated to defray the costs of administering this section. All
16 fees received under this section shall be remitted to the State
17 Treasurer for credit to the State Highway Construction and
18 Maintenance Fund.

19 F. The Department may promulgate rules and regulations to carry
20 out this section.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 601.7 of Title 69, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. The board of county commissioners is authorized to issue
2 permits which authorize and regulate the harvesting of hay along the
3 right-of-way of public roads of the county highway system within
4 their respective counties.

5 B. The applicant for a permit shall be informed in writing and
6 shall sign a release acknowledging that he or she will assume all
7 risk and liability for hay quality and for any accidents and damages
8 that may occur as a result of the work and that the county and State
9 of Oklahoma assume no liability for the hay quality or for work done
10 by the permittee.

11 C. Any person who stores the harvested hay along the right-of-
12 way for later removal shall store the harvested hay at the outer
13 edge of the right-of-way and shall remove the harvested hay within
14 two (2) days after harvesting.

15 D. The owner or the owner's assignee of land abutting the
16 right-of-way shall have priority to receive a permit for such land
17 under this section.

18 E. The county shall charge a permit fee in an amount calculated
19 to defray the costs of administering this section. All fees
20 received under this section shall be remitted to the county
21 treasurer for credit to the county highway fund.

22 F. Counties may establish regulations to carry out this
23 section.

24 SECTION 5. This act shall become effective November 1, 2017.

1 Passed the House of Representatives the 2nd day of March, 2017.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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8 _____
9 Presiding Officer of the Senate