

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 935

By: Jett

AS INTRODUCED

An Act relating to counties; creating the Citizen Access to County Facilities Act; providing short title; defining terms; exempting counties from certain liability; providing exceptions; requiring certain warning notice; clarifying certain rights; providing for codification; and providing an effective date.

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

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

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

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

As used in this act:

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

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

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

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

17 4. "Participant" means any person, other than a county officer
18 or county employee.

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

22 A. In addition to any limitations of liability afforded
23 pursuant to The Governmental Tort Claims Act and except as provided
24 in subsection B of this section, a county shall not be liable for
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1 injury to or death of a participant resulting from the inherent
2 risks of an activity using county facilities, so long as the warning
3 contained in Section 4 of this act is posted as required and, except
4 as provided in subsection B of this section, no participant or
5 participant's representative can maintain an action against or
6 recover damages from a county for injury, loss, damage, or death of
7 the participant resulting exclusively from any of the inherent risks
8 of an activity using county facilities. In any action for damages
9 against a county for an activity using county facilities, the county
10 must plead the affirmative defense of assumption of the inherent
11 risks of an activity using county facilities by the participant.

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

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

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

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

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

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

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

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

22 "WARNING:

23 Under Oklahoma law, there is no liability for an injury to or
24 death of a participant at an activity using county facilities.

1 Inherent risks of activities using county facilities include, among
2 others, risks of injury inherent to land and equipment, as well as
3 the potential for you to act in a negligent manner that may
4 contribute to your injury or death. You are assuming the risk of
5 participating in this activity using county facilities."

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

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

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

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

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