

# House Bill 2757

Sponsored by Representative CLEM (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows owner of land to receive liquidated damages in amount not to exceed \$1,000 in action in which owner establishes that owner closed land to specific activities and defendant entered upon land and engaged in prohibited activities without permission of owner.

## A BILL FOR AN ACT

1  
2 Relating to use of land; creating new provisions; and amending ORS 105.700.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. ORS 105.700 is added to and made a part of ORS 105.672 to 105.696.**

5 **SECTION 2.** ORS 105.700 is amended to read:

6 105.700. (1) In addition to and not in lieu of any other damages that may be claimed, a plaintiff  
7 who is [*a landowner*] **an owner of land** shall receive liquidated damages in an amount not to exceed  
8 \$1,000 in any action in which the plaintiff establishes that:

9 (a) The plaintiff closed the land of the plaintiff as provided in subsection (2) of this section[;],  
10 and

11 [*(b)*] the defendant entered and remained upon the land of the plaintiff without the permission  
12 of the plaintiff; **or**

13 **(b) The plaintiff closed the land of the plaintiff to specific activities as provided in sub-**  
14 **section (3) of this section, and the defendant entered upon the land of the plaintiff and en-**  
15 **gaged in the prohibited activities without the permission of the plaintiff.**

16 (2) [*A landowner*] **An owner of land** or an agent of the [*landowner*] **owner** may close the [*pri-*  
17 *vately owned*] land of the [*landowner*] **owner to all activities** by posting notice as follows:

18 (a) For land through which the public has no right of way, the [*landowner*] **owner of land or**  
19 **the agent** must place a notice at each outer gate and normal point of access to the land, including  
20 both sides of a body of water that crosses the land wherever the body of water intersects an outer  
21 boundary line. The notice must be placed on a post, structure or natural object in the form of a sign  
22 or a blaze of paint. If a blaze of paint is used, it must consist of at least 50 square inches of flu-  
23 orescent orange paint, except that when metal fence posts are used, approximately the top six inches  
24 of the fence post must be painted. If a sign is used, the sign:

25 (A) Must be no smaller than [*eight*] **8** inches in height and 11 inches in width;

26 (B) Must contain the words "Closed to Entry" or words to that effect in letters no less than one  
27 inch in height; and

28 (C) Must display the name, business address and [*phone*] **telephone** number, if any, of the  
29 [*landowner*] **owner of the land** or **the agent** of the [*landowner*] **owner**.

30 (b) For land through which or along which the public has an unfenced right of way by means  
31 of a public road, the [*landowner*] **owner of the land** or **the agent** must place:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (A) A conspicuous sign no closer than 30 feet from the center line of the [roadway where it]  
 2 **public road where the public road** enters the land, containing words substantially similar to  
 3 “PRIVATE PROPERTY, NO TRESPASSING OFF ROAD NEXT \_\_\_\_\_ MILES”; or

4 (B) A sign or blaze of paint, as described in paragraph (a) of this subsection, no closer than 30  
 5 feet from the center line of the [roadway] **public road** at regular intervals of not less than one-  
 6 fourth mile along the [roadway where it] **public road where the public road** borders the land, ex-  
 7 cept that a blaze of paint may not be placed on posts where the public road enters the land.

8 **(3) An owner of land or an agent of the owner may close the land of the owner to specific**  
 9 **activities by posting notice as follows:**

10 (a) **For land through which the public has no right of way, the owner or the agent must**  
 11 **place a sign at each outer gate and normal point of access to the land, including both sides**  
 12 **of a body of water that crosses the land wherever the body of water intersects an outer**  
 13 **boundary line. The sign must be placed on a post, structure or natural object, must be no**  
 14 **smaller than 8 inches in height and 11 inches in width, must clearly state the specific activ-**  
 15 **ities that are prohibited on the land in letters no less than one inch in height, and must**  
 16 **display the name, business address and telephone number, if any, of the owner or agent.**

17 (b) **For land through which or along which the public has an unfenced right of way by**  
 18 **means of a public road, the owner or the agent must place a conspicuous sign as described**  
 19 **in paragraph (a) of this subsection, no closer than 30 feet from the center line of the public**  
 20 **road where the public road enters the land, that clearly states the specific activities that are**  
 21 **prohibited on the land, or must place a sign as described in paragraph (a) of this subsection,**  
 22 **no closer than 30 feet from the center line of the public road, at regular intervals of not less**  
 23 **than one-fourth mile along the public road where the public road borders the land.**

24 [(3)] (4) *[Nothing contained in this section prevents]* **An owner of land is not authorized by this**  
 25 **section to prevent** emergency or law enforcement vehicles from entering upon the posted land.

26 [(4)] (5) An award of liquidated damages under this section is not subject to ORS 31.725, 31.730  
 27 or 31.735.

28 [(5)] (6) Nothing in this section affects any other remedy, civil or criminal, that may be available  
 29 for a trespass described in this section.

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