

House Bill 2031

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 105.699 and 105.700 are added to and made a part of ORs 105.672 to**
5 **105.696.**

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

7 105.700. (1) In addition to and not in lieu of any other damages that may be claimed, a plaintiff
8 [*who is a landowner*] **that owns land** shall receive liquidated damages in an amount not to exceed
9 \$1,000 in any action in which the plaintiff establishes that:

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

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

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

17 (2) [*A landowner*] **The owner** or [*an*] agent of the [*landowner*] **owner** may close the privately
18 owned land of the [*landowner*] **owner** by posting a notice as follows:

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

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

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

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

31 (b) For land through which or along which the public has an unfenced right of way by means

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 of a public road, the *[landowner]* **owner** or agent must place:

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

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

9 (3) **The owner or agent of the owner may close the privately owned land of the owner to**
10 **specific activities by posting a notice as follows:**

11 (a) **For land through which the public has no right of way, the owner or agent must place**
12 **a conspicuous sign at each outer gate and normal point of access to the land, including both**
13 **sides of a body of water that crosses the land wherever the body of water intersects an outer**
14 **boundary line. The sign must:**

15 (A) **Be placed on a post, structure or natural object;**

16 (B) **Be no smaller than 8 inches in height and 11 inches in width;**

17 (C) **Clearly state the specific activities that are prohibited on the land in letters no less**
18 **than one inch in height; and**

19 (D) **Display the name, business address and telephone number, if any, of the owner or**
20 **agent.**

21 (b) **For land through which or along which the public has an unfenced right of way by**
22 **means of a public road, the owner or agent must place a conspicuous sign described in par-**
23 **agraph (a) of this subsection no closer than 30 feet from the center line of the public road:**

24 (A) **Where the public road enters the land; or**

25 (B) **At regular intervals of not less than one-fourth mile along the public road where the**
26 **public road borders the land.**

27 [(3)] (4) *[Nothing contained in this section prevents]* **The owner is not authorized by this sec-**
28 **tion to prevent** emergency or law enforcement vehicles from entering upon the posted land.

29 [(4)] (5) An award of liquidated damages under this section is not subject to ORS 31.725, 31.730
30 or 31.735.

31 [(5)] (6) *[Nothing in]* This section *[affects]* **does not affect** any other remedy, civil or criminal,
32 that may be available for a trespass described in this section.

33 _____