

House Bill 2110

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 landowner to prohibit specified activities on private land and to recover up to \$1,000 from violators.

A BILL FOR AN ACT

1
2 Relating to use of land; amending ORS 105.700.

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

4 **SECTION 1.** ORS 105.700 is amended to read:

5 105.700. (1) *[In addition to and not in lieu of any other damages that may be claimed, a plaintiff*
6 *who is a landowner shall receive]* **As used in this section:**

7 (a) **“Land” means private real property owned by an owner.**

8 (b) **“Owner” has the meaning given in ORS 105.672.**

9 (2) **A defendant in a civil action shall pay to an owner** liquidated damages in an amount not
10 to exceed \$1,000 in any action in which the *[plaintiff]* **owner** establishes that:

11 (a) The *[plaintiff]* **owner** closed *[the]* land *[of the plaintiff]* as provided in subsection *[(2)]* **(3)** of
12 this section*[,]* and

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

15 (b) **The owner closed land to specific activities as provided in subsection (4) of this sec-**
16 **tion and the defendant engaged in the prohibited activities upon the land without the owner's**
17 **permission.**

18 *[(2)]* **(3)** *[A landowner or an agent of the landowner]* **An owner** may close *[the privately owned]*
19 land *[of the landowner]* by posting notice as follows:

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

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

29 *[(A)]* (B) *[Must]* Be no smaller than eight inches in height and 11 inches in width;

30 *[(B)]* (C) *[Must]* Contain the words *["Closed to Entry"]* **“PRIVATE PROPERTY”** or words to
31 that effect, in letters no less than one inch in height; and

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

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

5 (A) A conspicuous sign [no closer than] **within** 30 feet of [from the center line of the roadway]
 6 where [it] **the public road first** enters or **abuts** the land, containing **the** words [substantially simi-
 7 lar to] “PRIVATE PROPERTY, NO TRESPASSING OFF ROAD NEXT _____ MILES” **or words**
 8 **to that effect, in letters no less than one inch in height; [or] and**

9 (B) [A sign or blaze of paint, as described in paragraph (a) of this subsection, no closer than 30
 10 feet from the center line of the roadway at regular intervals of not less than one-fourth mile along the
 11 roadway where it borders the land, except that a blaze of paint may not be placed on posts where the
 12 public road enters the land.] **Conspicuous signs or blazes of paint along the public road where**
 13 **the road traverses or borders the land at regular intervals of no greater than one quarter**
 14 **mile and each sign or blaze must be within 30 feet of the road. A sign must meet the re-**
 15 **quirements in paragraph (a) of this subsection. A blaze of paint must be in fluorescent or-**
 16 **ange and cover at least 50 square inches or the top six inches of a fence post.**

17 (4) **An owner may close land to specific activities by posting notice as follows:**

18 (a) **The owner shall place a conspicuous sign, as described in subsection (3)(a) of this**
 19 **section, at each outer gate and normal point of access to the land, including each bank of a**
 20 **body of water wherever it intersects an outer boundary line. The sign must contain the**
 21 **words “PRIVATE PROPERTY, THE FOLLOWING ACTIVITIES ARE PROHIBITED:**
 22 **_____” or words to that effect, in letters no less than one inch in height.**

23 (b) For land through which or along which the public has an unfenced right of way by
 24 means of a public road, the owner also shall place:

25 (A) A conspicuous sign within 30 feet of where the public road first enters or abuts the
 26 land, containing the words “PRIVATE PROPERTY, THE FOLLOWING ACTIVITIES ARE
 27 PROHIBITED NEXT _____ MILES: _____” or words to that effect, in letters no
 28 less than one inch in height; and

29 (B) **Conspicuous signs or blazes of paint along the public road where the road traverses**
 30 **or borders the land at regular intervals of no greater than one quarter mile and each sign**
 31 **or blaze must be within 30 feet of the road. A sign must meet the requirements in paragraph**
 32 **(a) of this subsection. A blaze of paint must be in fluorescent orange and cover at least 50**
 33 **square inches or the top six inches of a fence post.**

34 [(3)] (5) [Nothing contained in this section prevents] **This section does not authorize the owner**
 35 **to prevent** emergency or law enforcement vehicles from entering upon the posted land.

36 [(4)] (6) An award of liquidated damages under this section is not subject to ORS 31.725, 31.730
 37 or 31.735.

38 [(5)] (7) [Nothing in] **Any award under this section is in addition to and not in lieu of any**
 39 **other remedy available to the owner.** This section [affects] **does not affect** any other remedy,
 40 civil or criminal, that may be available for a trespass described in this section.