1	Sante BILL NO. 3/5
2	INTRODUCED BY / Www.
3	(/

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE IT A
5 MISDEMEANOR TO ALLOW BUFFALD TO RUN AT LARGE AND TO PROVIDE
6 CIVIL REMEDIES FOR DAMAGE CAUSED THEREBY."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Buffalo not to run at large. (1) An owner
10 or person having the management or control of any buffalo
11 shall contain such animal in an enclosure sufficient to
12 prevent it from running at large.

(2) Any such owner or person who knowingly permits buffalo to run at large is guilty of a misdemeanor and punishable by a fine not to exceed \$50.

Section 2. Liability for civil damages. Any person damaged by buffalo running at large may recover any damage sustained thereby in a civil action.

Section 3. Buffalo running at large a public nuisance.

A buffalo running at large is a public nuisance and may be removed as provided by law for the abatement of public nuisances.

23 Section 4. Section 46-1409, R.C.M. 1947, is amended to read as follows:

25 "46-1409. Liability of owners of stock for trespass.

If any cattle, horse, mule, ass, hog, sheep, <u>buffalo</u>, or other domestic animal break into any inclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the inclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law.\*

-End-

## Approved by Committee on Judiciary

ı	SENATE BILL NO. 215
2	INTRODUCED BY TURNAGE
3	
4	A BILL FOR AN ACT ENTITLED: MAN ACT #8MAKE##A
5	MISDEMEANORIO-ALLOW-BUFFALO-IO-RUN-AI-LARGE-AND TO PROVIDE
6	CIVIL REMEDIES FOR DAMAGE CAUSED THEREBY BY TRESPASSING
7	B150N•*
8	
9	BE IT ENACTED BY THE EEGISLATURE OF THE STATE OF MONTANA:
10	Seetion-iwBuffalonot-to-run-ot-largew(i)-An-owner
11	or-person-having-the-management-or-controlofanybuffalo
12	shallcontainsuchanimalinan-enclosure-sufficient-to
13	prevent-it-from-running-st-larges
14	(2)Any-such-owner-orpersonwhoknowinglypermits
15	buffalotorunatlargeisguilty-of-a-misdemeanor-and
16	pun <del>ishabla-by-a-fine-not-to-exceed-\$50</del> *
17	Section-2tiability-forcivildamagesAnyperson
18	damagedbybuffalo-running-at-large-may-recover-any-damage
19	sustained-thereby-in-a-civil-action:
20	Section-3*Buffalo-running-st-large-a-public-nuissncev
21	A-buffato-running-at-targe-is-a-public-nuisance-andmaybe
22	removedasprovidedbyławforthe-abatement-of-public
23	Rdf38Acest
24	Section 1. Section 46-1409, R.C.M. 1947, is amended to
25	read as follows:

1 "46-1409. Liability of owners of stock for trespass.
2 If any cattle, horse, mule, ass, hog, sheep, buffalo BISQN.
3 or other domestic animal break into any inclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the inclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

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-1-

45th Legislature

58 0215/02

\$8 0215/02

ì	SENATE BILL NO. 215
2	INTRODUCED BY TURNAGE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ¥8MAKE±+A
5	MISBEMEANORTO-ALLEW-GUFFALB-TG-RUN-FA-CO-ACLEM TO PROVIDE
6	CIVIL REMEDIES FOR DAMAGE CAUSED THEREDY BY TRESPASSING
7	BISON."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section-ivBuffalor-not-to-run-et-largev(i)-An-owner
11	or-person-having-the-management-or-controlofanybuffalo
12	shallcontainsuchanimalinan-enclosure-sufficient-to
13	prevent-it-from-running-at-large:
14	(2)*ny-such-owner-orpersonwhoknowinglypermits
15	buffalotorunatlargeisguilty-of-a-misdemeanor-and
16	pun÷snapłe-by-a-f÷ne-not-to-exceed-\$50∓
17	Section-labiability-forcivildamagesaknyperson
18	damagedbybuffalo-running-at-large-may-recover-any-damage
19	sustained-thereby-in-a-civil-action:
20	Section-3*Buffalo-running-at-large-a-public-nuisance*
21	#-buffalo-running-at-large-is-a-public-nuisance-andmaybe
22	removedasprovidedbylawforthe-abatement-of-public
23	nuisances
24	Section 1. Section 46-1409, R.C.M. 1947, is amended to
25	read as follows:

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2 If any cattle, horse, mule, ass, hog, sheep, buffelo BISQN.
3 or other domestic animal break into any inclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the inclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

-End-

45th Legislature SB 0215/02

1	SENATE BILL NO. 215
2	INTRODUCED BY TURNAGE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO-MAKEIFA
5	MISDESTANDRTB-ALLOW-BUFFALO-TB-RUN-AT-LARGE-AND TO PROVIDE
5	CIVIL REMEDIES FOR DAMAGE CAUSED THEREBY BY TRESPASSING
1	BISON-"
d	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section-lwBuffalonot-to-run-at-largew(l)-An-owner
11	or-person-having-the-monagement-or-controlofanybuffalo
12	shallcontainsuchanimalinan-enclosure-sufficient-to
13	prevent-it-from-running-st-large*
14	(2)Any-such-owner-orpersonwhoknowinglypermits
15	ouffalotorunatlaraeisquilty-of-a-misdemeanor-and
16	punishable-by-a-fine-not-to-exceed-\$50*
17	Section-2:Liability-forcivildamagesAnyperson
18	damagedbybuffalo-running-at-large-may-recover-any-damage
19	sustained-thereby-in-a-civi}-action∎
20	Section-3wBuffalo-running-at-large-a-public-nuisancew
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-End-

58 0215/02