SENATE BILL NO. 347

Introduced: 02/03/83

Referred to Committee on Judiciary: 02/03/83

Hearing: 2/16/83

Report: 02/18/83, Do Pass, As Amended

2nd Reading: 02/21/83 3rd Reading: 02/23/83

Transmitted to House: 02/23/83

Referred to Committee on Judiciary: 02/28/83

Hearing: 3/8/83

Died in House Committee.

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Section 2. Section 70-19-405, MCA, is amended to reau:

"70-19-405. Title by prescription. Georgency Except as

provided in [section 1]. occupancy for the period prescribed by this chapter as sufficient to bar an action for the recovery of the property confers a title thereto, denominated a title by prescription, which is sufficient against all."

-End-

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Approved by Committee on Judiciary

2 INTRODUCED BY GALT. H. HAMMOND, STORY, MARBUT, CURTISS, 3 GRAHAM+ ELLISON+ KOLSTAD+ SHAH+ CONOVER+ HANSON+ ASAY+ OCHSNER. LEE. HAZUREK. BLISS. HOLLIDAY. SEVERSON. LYBECK. KEATING. MCCALLUM. SHIFT. DOVER. HAGER. RYAN, HAND, WALLIN, TVEIT, ELLERD 7 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A 8 PRESCRIPTIVE EASEMENT CANNOT BE ACQUIRED BY RECREATIONAL 9 USE+-AMENDING-SECTION-78-19-485--MGA." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 <u> Y£H-S£EII9N</u> Section 1. Prescriptive easement <u>NOI</u> 14 ACQUISED_BY_RECREATIONAL_USE. ft)--Prescriptive-easement 15 means-a-right-ta-use-another+s-property-that-is-acquired--by openy-notoriousy-adversey-and-sontinuous-use-for-a-period-of 16 17 5-900600 (2) A prescriptive easement cannot be acquired through 18 19 use of or entry upon land or water for recreational 20 purposes. 21 Section-Re--Section-70-19-405;-MGAy-is-amended-to-reads 22 #70-19-405---Fitte-by-prescription---Occupancy Except 23 dimprovidedmin-faction-rilam-occupancy--for--the--perfod 24 prescribed-by-this-chapter-as-sufficient-to--bar--an--action 25 for--the--recovery--of-the-property-confers-a-title-theretoy

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- denominated-a-title-by--prescription--which--is--sufficient
 against-all--
 - -End-

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2	INTRODUCED BY GALT, H. HAMMOND, STORY, MARBUT, CURTISS,
3	GRAHAM, ELLISON, KOLSTAD, SHAW, CONOVER, HANSON, ASAY,
4	OCHSNER. LEE, MAZUREK, BLISS, HOLLIDAY, SEVERSON.
5	LYBECK, KEATING, MCCALLUM, SHIFT, DOVER, HAGER,
6	RYAN, HAND, WALLIN, TVEIT, ELLERD
7	
8	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
9	PRESCRIPTIVE EASEMENT CANNOT BE ACQUIRED BY RECREATIONAL
10	USE q-AMENDING-SECTION-70-19-405y-MCA .**
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	<u> MEH-SEETIBM</u> Section 1. Prescriptive easement <u>NOT</u>
14	ACQUIRED_BY_RECREATIONAL_USE. (1)Proscriptive-cosement
15	means-a-right-to-use-another*s-property-that-is-acquiredby
16	openy-notoriousy-adversey-and-zontinuous-use-for-a-period-of
17	5-years•
18	(2) A prescriptive easement cannot be acquired through
19	use of or entry upon land or water for recreational
20	purposes.
21	Section-ZeSection-70-19-485y-MGAy-is-amended-to-reade
22	#78-19-485Fitte-by-prescriptionBecapancy <u>Except</u>
23	gac-proxided==ia==facction==tlx==ecupancyfertheperiod
24	prescribed-by-this-chapter-as-sufficient-tobaranaction

for--the--recovery--of-the-property-confors-a-title-theretor

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- 1 denominated-a-title-by--prescriptiony--which--is--sufficient
- 2 against-allum

-End-

-2- SB 347 THIRD READING