

HOUSE BILL NO. 423

INTRODUCED BY GILBERT, SCHYE, H. HAMMOND, HANSON, E. SMITH

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on State Administration.
February 19, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
February 20, 1985	Second reading, do pass.  Considered correctly engrossed.
February 21, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Judiciary.
March 25, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 27, 1985	Second reading, pass consideration.
March 28, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.  Returned to House with amendments.

IN THE HOUSE

March 30, 1985

Received from Senate.

April 5, 1985

Second reading, amendments  
concurrent in.

April 8, 1985

Third reading, amendments  
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 423

INTRODUCED BY Sybilbert Lebye H. Hammond  
BY REQUEST OF THE DEPARTMENT OF COMMERCE M. Hansen  
E. Smith

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AIRCRAFT LANDINGS AND TAKEOFFS FROM PUBLIC WATERS AND ROADS ARE LAWFUL; AMENDING SECTION 67-1-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 67-1-204, MCA, is amended to read:

"67-1-204. Lawfulness of flight and landings. (1)

Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then-existing use to which the land or water or the space over the land or water is put by the owner or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water or in violation of the air commerce regulations which have been or may be promulgated by the department of commerce of the United States.

(2) Aircraft landings and takeoffs from the public waters of this state are lawful except as otherwise provided by this section and the United States government.

(3) Aircraft landings and takeoffs from public roads

in this state are lawful if proper safety precautions, as approved by the governing jurisdiction of such roads, are taken prior to such landing or takeoff, except as otherwise provided in this section.

(2)(4) No person shall operate an aircraft, as pilot thereof, either in the air, on the water, or on the ground, in a careless or reckless manner so as to endanger the life or property of others, including the aircraft being operated and passengers carried therein.

(3)(5) The willful and malicious use of aircraft in stunting or diving over livestock in a manner calculated to frighten or stampede them shall be deemed an unlawful use thereof, and actual and punitive damages, in addition to the penalties provided by this part, may be recovered in an action for damages caused therefrom.

(4)(6) The landing of an aircraft on the private lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the pilot shall be liable for actual damage caused by such forced landing."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-



-2- INTRODUCED BILL  
HB 423

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 423

INTRODUCED BY GILBERT, SCHYE,

H. HAMMOND, HANSON, E. SMITH

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AIRCRAFT  
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LAWFUL; AMENDING SECTION 67-1-204, MCA; AND PROVIDING AN  
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is lawful, unless at such a low altitude as to interfere  
with the then-existing use to which the land or water or the  
space over the land or water is put by the owner or unless  
so conducted as to be imminently dangerous to persons or  
property lawfully on the land or water or in violation of  
the air commerce regulations which have been or may be  
promulgated by the department of commerce of the United  
States.

(2) Aircraft landings and takeoffs from the public  
waters of this state are lawful IF PROPER SAFETY PRECAUTIONS  
REGARDING PUBLIC WATERS, AS PRESCRIBED IN TITLE 14, PART 91,

CODE OF FEDERAL REGULATIONS, ARE TAKEN PRIOR TO SUCH LANDING  
OR TAKEOFF, except as otherwise provided by this section and  
the United States government.

(3) Aircraft landings and takeoffs from public roads  
in this state are lawful if proper safety precautions, as  
approved by the governing jurisdiction of such roads, are  
taken prior to such landing or takeoff, except as otherwise  
provided in this section.

(4) No person shall operate an aircraft, as pilot  
thereof, either in the air, on the water, or on the ground,  
in a careless or reckless manner so as to endanger the life  
or property of others, including the aircraft being operated  
and passengers carried therein.

(5) The willful and malicious use of aircraft in  
stunting or diving over livestock in a manner calculated to  
frighten or stampede them shall be deemed an unlawful use  
thereof, and actual and punitive damages, in addition to the  
penalties provided by this part, may be recovered in an  
action for damages caused therefrom.

(6) The landing of an aircraft on the private lands  
or waters of another without his consent is unlawful, except  
in the case of a forced landing. For damages caused by a  
forced landing, however, the owner or lessee of the aircraft  
or the pilot shall be liable for actual damage caused by  
such forced landing."

HB 0423/02

- 1        NEW SECTION. Section 2. Effective date. This act is
- 2        effective on passage and approval.

-End-

HOUSE BILL NO. 423

INTRODUCED BY GILBERT, SCHYE,

H. HAMMOND, HANSON, E. SMITH

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AIRCRAFT LANDINGS AND TAKEOFFS FROM PUBLIC WATERS AND ROADS ARE LAWFUL; AMENDING SECTION 67-1-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 67-1-204, MCA, is amended to read:

"67-1-204. Lawfulness of flight and landings. (1)

Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then-existing use to which the land or water or the space over the land or water is put by the owner or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water or in violation of the air commerce regulations which have been or may be promulgated by the department of commerce of the United States.

(2) Aircraft landings and takeoffs from the public waters of this state are lawful IF PROPER SAFETY PRECAUTIONS REGARDING PUBLIC WATERS, AS PRESCRIBED IN TITLE 14, PART 91,

CODE OF FEDERAL REGULATIONS, ARE TAKEN PRIOR TO SUCH LANDING OR TAKEOFF, except as otherwise provided by this section and the-United-States-government.

(3) Aircraft landings and takeoffs from public roads in this state are lawful if proper safety precautions, as approved by the governing jurisdiction of such roads, are taken prior to such landing or takeoff, except as otherwise provided in this section.

~~(2)~~(4) No person shall operate an aircraft, as pilot thereof, either in the air, on the water, or on the ground, in a careless or reckless manner so as to endanger the life or property of others, including the aircraft being operated and passengers carried therein.

~~(3)~~(5) The willful and malicious use of aircraft in stunting or diving over livestock in a manner calculated to frighten or stampede them shall be deemed an unlawful use thereof, and actual and punitive damages, in addition to the penalties provided by this part, may be recovered in an action for damages caused therefrom.

~~(4)~~(6) The landing of an aircraft on the private lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the pilot shall be liable for actual damage caused by such forced landing."



HB 0423/02

1        NEW SECTION. Section 2. Effective date. This act is  
2 effective on passage and approval.

-End-

SENATE

STANDING COMMITTEE REPORT

March 23 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 423

third reading copy ( blue color )

(Senator Hammond)

LEGALIZE LANDING AND TAKEOFF OF AIRCRAFT ON PUBLIC WATERS AND ROADS

Respectfully report as follows: That HOUSE BILL No. 423

be amended as follows:

Page 2, line 8.

Following: "section."

Insert: "However, the local governing jurisdiction shall incur no liability as a result of an approval under this subsection."

AND AS AMENDED

BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Senator Joe Mazurek Chairman.



## 1 HOUSE BILL NO. 423

2 INTRODUCED BY GILBERT, SCHYE,

3 H. HAMMOND, HANSON, E. SMITH

4 BY REQUEST OF THE DEPARTMENT OF COMMERCE

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6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AIRCRAFT  
7 LANDINGS AND TAKEOFFS FROM PUBLIC WATERS AND ROADS ARE  
8 LAWFUL; AMENDING SECTION 67-1-204, MCA; AND PROVIDING AN  
9 IMMEDIATE EFFECTIVE DATE."

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

12 Section 1. Section 67-1-204, MCA, is amended to read:

13 "67-1-204. Lawfulness of flight and landings. (1)

14 Flight in aircraft over the lands and waters of this state  
15 is lawful, unless at such a low altitude as to interfere  
16 with the then-existing use to which the land or water or the  
17 space over the land or water is put by the owner or unless  
18 so conducted as to be imminently dangerous to persons or  
19 property lawfully on the land or water or in violation of  
20 the air commerce regulations which have been or may be  
21 promulgated by the department of commerce of the United  
22 States.

23 (2) Aircraft landings and takeoffs from the public  
24 waters of this state are lawful IF PROPER SAFETY PRECAUTIONS  
25 REGARDING PUBLIC WATERS, AS PRESCRIBED IN TITLE 14, PART 91,

1 CODE OF FEDERAL REGULATIONS, ARE TAKEN PRIOR TO SUCH LANDING  
2 OR TAKEOFF, except as otherwise provided by this section and  
3 the-United-States-government.

4 (3) Aircraft landings and takeoffs from public roads  
5 in this state are lawful if proper safety precautions, as  
6 approved by the governing jurisdiction of such roads, are  
7 taken prior to such landing or takeoff, except as otherwise  
8 provided in this section. HOWEVER, THE LOCAL GOVERNING  
9 JURISDICTION SHALL INCUR NO LIABILITY AS A RESULT OF AN  
10 APPROVAL UNDER THIS SUBSECTION.

11 ~~(2)~~(4) No person shall operate an aircraft, as pilot  
12 thereof, either in the air, on the water, or on the ground,  
13 in a careless or reckless manner so as to endanger the life  
14 or property of others, including the aircraft being operated  
15 and passengers carried therein.

16 ~~(3)~~(5) The willful and malicious use of aircraft in  
17 stunting or diving over livestock in a manner calculated to  
18 frighten or stampede them shall be deemed an unlawful use  
19 thereof, and actual and punitive damages, in addition to the  
20 penalties provided by this part, may be recovered in an  
21 action for damages caused therefrom.

22 ~~(4)~~(6) The landing of an aircraft on the private lands  
23 or waters of another without his consent is unlawful, except  
24 in the case of a forced landing. For damages caused by a  
25 forced landing, however, the owner or lessee of the aircraft

HB 0423/03

1 or the pilot shall be liable for actual damage caused by  
2 such forced landing."

3 NEW SECTION. Section 2. Effective date. This act is  
4 effective on passage and approval.

-End-