

SENATE BILL NO. 424

2/15 Introduced
2/15 Referred to Judiciary
2/22 Hearing
2/23 Committee Report-Bill Pass As Amended
2/26 2nd Reading Pass
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Judiciary
3/26 Hearing
3/29 Adverse Committee Report
3/30 Bill Killed

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Senate BILL NO. *424*

INTRODUCED BY *B. William Yelloutard* *Brack*

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "PRESCRIPTIVE EASEMENT"; PROVIDING THAT A PRESCRIPTIVE EASEMENT MAY NOT BE ACQUIRED THROUGH RECREATIONAL USE OF LAND OR WATER; AMENDING SECTION 70-19-405, MCA."

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

NEW SECTION. Section 1. Prescriptive easement not acquired by recreational use. (1) A prescriptive easement is a right to use the property of another that is acquired by open, exclusive, notorious, hostile, adverse, continuous, and uninterrupted use for a period of 5 years.

(2) A prescriptive easement cannot be acquired through use of land or water for recreational purposes.

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

"70-19-405. Title by prescription. Occupancy 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-



INTRODUCED BILL
SB 424

APPROVED BY COMMITTEE
ON JUDICIARY

1 SENATE BILL NO. 424

2 INTRODUCED BY B. WILLIAMS, YELLOWTAIL, GRADY

3

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14 and uninterrupted use for a period of 5 years.

15 (2) A prescriptive easement cannot be acquired through
16 use of land or water for recreational purposes OR FOR THE
17 PURPOSE OF CROSSING THE LAND TO REACH SURFACE WATERS.

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-End-



SECOND READING

SB 424

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THIRD READING

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