

HB 59      INTRODUCED BY HANSON, M.  
RESPONSIBILITY OF ADJACENT LANDOWNERS TO MAINTAIN  
FENCES

1/05    INTRODUCED  
1/05    REFERRED TO AGRICULTURE, LIVESTOCK &  
          IRRIGATION  
1/09    HEARING  
1/16    COMMITTEE REPORT--BILL PASSED AS AMENDED  
1/20    2ND READING PASSED                            62 35  
1/21    3RD READING PASSED                            76 23  
  
          TRANSMITTED TO SENATE  
1/22    REFERRED TO AGRICULTURE, LIVESTOCK &  
          IRRIGATION  
2/02    HEARING  
2/06    TABLED IN COMMITTEE

1                    HOUSE        BILL NO.    59  
2    INTRODUCED BY HANSON

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE MUTUAL  
5    RESPONSIBILITY OF ADJACENT LANDOWNERS TO MAINTAIN FENCING  
6    BETWEEN THEM; AND AMENDING SECTION 70-16-205, MCA."

7  
8    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9            Section 1. Section 70-16-205, MCA, is amended to read:

10           "70-16-205. Monuments and fences -- mutual obligation  
11    of adjoining owners. (1) Coterminous owners are mutually  
12    bound equally to maintain:

13           (1)(a) the boundaries and monuments between them;

14           (1)(b) the fences between them, unless one of them  
15    chooses to let his land lie without fencing, in which case  
16    if he afterwards encloses it, he must refund to the other a  
17    just proportion of the value, at that time, of any division  
18    fence made by the latter. However, using land for grazing  
19    or pasturage of any kind whatsoever shall be deemed a usage  
20    of said land, and such land shall not be considered as lying  
21    idle under the provisions of this section.

22           (2) Except as provided otherwise by agreement between  
23    coterminous owners, each coterminous owner shall maintain  
24    all fencing to the right of the midpoint of the common  
25    boundary line as viewed from his land. If the land of one

1    owner is entirely surrounded by the land of another, each  
2    owner shall maintain all fencing to the right, as viewed  
3    from his land, of the northeastern corner of the surrounded  
4    land; or if there is more than one northeastern corner, then  
5    from the northernmost northeastern corner to a point midway  
6    around the surrounded land."

-End-



-2-    INTRODUCED BILL  
         HB-59

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

HOUSE BILL NO. 59  
INTRODUCED BY HANSON

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(2) Except as provided otherwise by PRESCRIPTION,  
CUSTOM, OR agreement between coterminous owners, each  
coterminous owner shall maintain all fencing to the right of  
the midpoint of the common boundary line as viewed from his

land. If the land of one owner is entirely surrounded by the  
land of another, each owner shall maintain all fencing to  
the right, as viewed from his land, of the northeastern  
corner of the surrounded land; or if there is more than one  
northeastern corner, then from the northernmost northeastern  
corner to a point midway around the surrounded land."

NEW SECTION. SECTION 2. SAVING CLAUSE. THIS ACT DOES  
NOT AFFECT RIGHTS AND DUTIES THAT MATURED, PENALTIES THAT  
WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE THE  
EFFECTIVE DATE OF THIS ACT.

-End-



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