HB 339 INTRODUCED BY GILBERT METHOD OF POSTING LAND ADJACENT TO PUBLIC LAND

- 1/21 INTRODUCED
- 1/21 REFERRED TO FISH & GAME

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- 2/03 HEARING
- 2/10 TABLED IN COMMITTEE

LC 0879/01

INTRODUCED BY Julient ı 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE POSTING AT 5 DESIGNATED INTERVALS ALONG THE BOUNDARY OF PRIVATE LAND THAT 6 IS SURROUNDED BY PUBLIC LAND IF ENTRY IS PROHIBITED; TO 7 PROVIDE AN EXCEPTION FOR CHECKERBOARD SECTIONS OF PUBLIC AND PRIVATE LAND; AND AMENDING SECTION 45-6-201, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 45-6-201, MCA, is amended to read: 12 "45-6-201. Definition of "enter or remain unlawfully". 13 (1) A person enters or remains unlawfully in or upon any vehicle, occupied structure, or premises when he is not 14 15 licensed, invited, or otherwise privileged to do so. 16 Privilege to enter or remain upon land is extended either by the explicit permission of the landowner or other authorized 17 18 person or by the failure of the landowner or other authorized person to post notice denying entry onto private 19 20 land. Such privilege may be revoked at any time by personal 21 communication of notice by the landowner or other authorized 22 person to the entering person. 23 (2) To be effective under this section, the notice

24 provided for in subsection (1) must satisfy-the-following 25 requirements:

1 (a)--notice-must be placed on a post, structure, or 2 natural object by marking it with written notice or with not 3 less than 50 square inches of fluorescent orange paint, 4 except that when metal fenceposts are used, the entire post 5 must be painted; -- and. Such notice must be located as 6 follows: (b)(a) the The notice described-in--subsection--(2)(a) 7 8 must be placed at each outer gate and normal point of access 9 to the property, including both sides of a water body 10 crossing the property wherever the water body intersects an outer boundary line. 11 12 (b) If the land is surrounded by public land, notice must also be placed at points along the common boundary of 13 such lands within sight of each other and not exceeding 300 14 15 feet apart. This subsection (b) does not apply to intermingled, alternating sections of public and private 16 land containing 640 acres each, more or less, and lying 17 18 corner to corner. 19 (3) If property has been posted in substantial 20 compliance with subsection (2), it is considered closed to public access unless explicit permission to enter is given 21 by the landowner or his authorized agent. 22 23 (4) The department of fish, wildlife, and parks shall attempt to educate and inform all persons holding hunting, 24 25 fishing, or trapping licenses or permits by including on any

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publication concerning such licenses or permits, in condensed form, the provisions of this section concerning entry on private land. The department shall use public media, as well as its own publications, in attempting to educate and inform other recreational users of the provisions of this section.

7 (5) For purposes of this section, "land" means land as 8 defined in 70-15-102.

9 (6) In no event shall civil liability be imposed upon
10 the owner or occupier of premises by reason of any privilege
11 created by this section."

-End-

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