SENATE BILL 277

Introduced by Bianchi, et al.

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- 1/29 Referred to Judiciary 1/29 First Reading
- 2/10 Hearing 2/19 Tabled in Committee

LC 0695/01

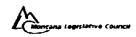
1 Serois BILL NO. 277 2 INTRODUCED BY <u>Heaven</u> <u>Bill NO. 277</u> 3 See Marting <u>Bill NO. 277</u> 4 Applill FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF <u>Million</u> 5 POSTING OF PRIVATE LAND TO REQUIRE MARKING THROUGH THE USE LEAR 6 OF SIGNS RATHER THAN FLUORESCENT ORANGE PAINT; <u>AMENDING</u> 7 SECTION 45-6-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 8 DATE."

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Section 1. Section 45-6-201, MCA, is amended to read: 11 *45-6-201. Definition of "enter or remain unlawfully" 12 -- notice. (1) A person enters or remains unlawfully in or 13 upon any vehicle, occupied structure, or premises when he 14 the person is not licensed, invited, or otherwise privileged 15 to do so. Privilege to enter or remain upon land is extended 16 17 either by the explicit permission of the landowner or other 18 authorized person or by the failure of the landowner or other authorized person to post notice denying entry onto 19 20 private land. The privilege may be revoked at any time by 21 personal communication of notice by the landowner or other 22 authorized person to the entering person.

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

23 (2) To provide for effective posting of private land
24 through which the public has no right-of-way, the notice
25 provided for in subsection (1) must satisfy the following



requirements:

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2 (a) notice Motice must be placed on a post, structure, 3 or natural object by marking it with written notice or--with 4 not--less-than-50-square-inches-of-fluorescent-orange-paint; 5 except-that-when-metal-fenceposts-are-usedr-the-entire--post 6 must--be--painted;--and in the form of a sign as provided in 7 this subsection (a). The name and address of the person 8 posting the land must appear on each sign in legible 9 characters. Signs must be readable from outside the land and 10 must be placed conspicuously and not more than 440 yards 11 (402.34 meters) apart. When land is entirely enclosed by a fence or other enclosure, the posting of signs at or on 12 13 gates through the fence or enclosure must be construed as 14 posting of all the enclosed land. A person may not in any 15 manner deface, remove, or destroy posting signs. 16 (b) the The notice described in subsection (2)(a) must 17 be placed at each outer gate and normal point of access to 18 the property, including both sides of a water body crossing 19 the property wherever the water body intersects an outer 20 boundary line. 21 (3) To provide for effective posting of private land

22 through which or along which the public has an unfenced
23 right-of-way by means of a public road, a landowner shall:

24 (a) place a conspicuous sign no closer than 30 feet of25 the centerline of the roadway where it enters the private

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land, stating words substantially similar to "PRIVATE
 PROPERTY, NO TRESPASSING OFF ROAD NEXT MILES"; or

3 (b) place notice, as described in subsection (2)(a), no 4 closer than 30 feet of the centerline of the roadway at 5 regular intervals of not less than one-fourth mile along the 6 roadway where it borders unfenced private land7-except-that 7 orange-markings-may-not-be-placed-on-posts-where-the--public 8 roadway-enters-the-private-land.

9 (4) If property has been posted in substantial 10 compliance with subsection (2) or (3), it is considered 11 closed to public access unless explicit permission to enter 12 is given by the landowner or his <u>the landowner's</u> authorized 13 agent.

14 (5) The department of fish, wildlife, and parks shall 15 attempt to educate and inform all persons holding hunting, 16 fishing, or trapping licenses or permits by including on any 17 publication concerning the licenses or permits, in condensed 18 form, the provisions of this section concerning entry on 19 private land. The department shall use public media, as well 20 as its own publications, in attempting to educate and inform 21 other recreational users of the provisions of this section. 22 In the interests of providing the public with clear 23 information regarding the public nature of certain unfenced 24 rural rights-of-way, the department may develop and 25 distribute posting signs that satisfy the requirements of LC 0695/01

1 subsection (3).

2 (6) For purposes of this section, "land" means land as
3 defined in 70-15-102.

4 (7) In no event may civil liability be imposed upon the 5 owner or occupier of premises by reason of any privilege 6 created by this section."

7 <u>NEW SECTION.</u> Section 2. Effective date. [This act] is
8 effective on passage and approval.

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