

SENATE BILL 277

Introduced by Bianchi, et al.

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

1 Seneca BILL NO. 277
2 INTRODUCED BY Beauchamp, B. & M. L. McCallahan
3 Beauchamp, B. & M. L. McCallahan
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF Wilson
5 POSTING OF PRIVATE LAND TO REQUIRE MARKING THROUGH THE USE Beauchamp
6 OF SIGNS RATHER THAN FLUORESCENT ORANGE PAINT; AMENDING McCallahan
7 SECTION 45-6-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

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

11 **Section 1.** Section 45-6-201, MCA, is amended to read:

12 "45-6-201. Definition of "enter or remain unlawfully"

13 -- notice. (1) A person enters or remains unlawfully in or
14 upon any vehicle, occupied structure, or premises when he
15 the person is not licensed, invited, or otherwise privileged
16 to do so. Privilege to enter or remain upon land is extended
17 either by the explicit permission of the landowner or other
18 authorized person or by the failure of the landowner or
19 other authorized person to post notice denying entry onto
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.

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

1 requirements:

2 (a) notice Notice 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-used,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
12 fence or other enclosure, the posting of signs at or on
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 of
25 the centerline of the roadway where it enters the private

1 land, stating words substantially similar to "PRIVATE
2 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 land, ~~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~~ the landowner's 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

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 NEW SECTION. **Section 2.** Effective date. [This act] is
8 effective on passage and approval.

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