

1 HOUSE BILL NO. 299

2 INTRODUCED BY PETERSON, BALES, BARRETT, RIPLEY, TASH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE LIABILITY OF OWNERS OF STOCK FOR
5 TRESPASS TO INSTANCES OF ~~GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT~~; CLARIFYING
6 THAT HERD DISTRICT LAW APPLIES TO TRESPASSING ANIMALS IN HERD DISTRICTS; AMENDING
7 SECTION 81-4-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY
8 DATE."

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

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12 **Section 1.** Section 81-4-215, MCA, is amended to read:

13 **"81-4-215. Liability of owners of stock for trespass.** If any cattle, horses, mules, asses, hogs, sheep,
14 llamas, alpacas, bison, or other domestic animals break into any enclosure and the fence of the enclosure is
15 legal, as provided in 81-4-101, the owner of the animals ~~is MAY BE IS~~ liable for all damages to the owner or
16 occupant of the enclosure if the owner or person in control of the animals was grossly negligent or engaged in
17 intentional misconduct. This section may not be construed to require a legal fence in order to maintain an action
18 for injury done by animals running at large contrary to law. IN THE CASE OF TRESPASSING ANIMALS IN A HERD
19 DISTRICT, THE LIABILITY AND DAMAGE PROVISIONS OF 81-4-307 APPLY."

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

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23 NEW SECTION. **Section 3. Applicability.** [This act] applies to actions brought on or after [the effective
24 date of this act].

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