

HOUSE BILL NO. 329

INTRODUCED BY C. CLARK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN EXCEPTION TO THE LIABILITY PROVISIONS OF
5 AN OWNER OF A VICIOUS DOG FOR OWNERS OF LIVESTOCK PROTECTION DOGS; AMENDING
6 SECTION 27-1-715, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY
7 DATE."

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

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11 **Section 1.** Section 27-1-715, MCA, is amended to read:
12 **"27-1-715. Liability of owner of vicious dog -- exception.** (1) ~~The~~ Except as provided in subsection
13 (2), the owner of a dog that without provocation bites a person while the person is on or in a public place or
14 lawfully on or in a private place, including the property of the owner of the dog, located within an incorporated city
15 or town is liable for damages that may be suffered by the person bitten regardless of the former viciousness of
16 the dog or the owner's knowledge of the viciousness.

17 (2) (a) The liability provisions of subsection (1) do not apply to an owner of a livestock protection dog if:
18 (i) the person bitten is unlawfully on private property;
19 (ii) the property of an owner of a livestock protection dog is clearly and conspicuously marked with one
20 or more posted signs stating "beware of dog" or "livestock protection dog present and working"; or
21 (iii) the livestock protection dog is working under the control of or on the property of the owner.
22 (b) A person asserting liability pursuant to this section, has the burden of establishing that a dog is not
23 a livestock protection dog.

24 ~~(2)~~(3) (a) A person is lawfully upon the private property of the owner within the meaning of this section
25 when the person is on the property in the performance of any duty imposed upon the person by the laws of this
26 state or by the laws or postal regulations of the United States of America or when the person is on the property
27 as an invitee or licensee of the person lawfully in possession of the property.

28 (b) For purposes of this section, "livestock protection dog" means a dog working as a herding dog, a farm
29 or ranch dog, or a predator control dog."

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

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3 NEW SECTION. **Section 3. Applicability.** [This act] applies to proceedings begun on or after [the
4 effective date of this act].

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