

SENATE BILL NO. 248

INTRODUCED BY R. DRISCOLL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A TRESPASS EXCEPTION FOR PUBLIC UTILITY EMPLOYEES, AGENTS, AND REPRESENTATIVES ACTING WITHIN THE COURSE AND SCOPE OF THEIR DUTIES; PROVIDING DEFINITIONS; AMENDING SECTION 45-6-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Public utility employees, agents, and representatives exempt from prosecution for trespass.** (1) An employee, agent, or representative of a public utility is not liable in a civil action for trespass committed while the person is acting within the course and scope of the person's duties to access facilities owned, leased, or operated by a public utility, and the provisions of 45-6-203 do not apply to an employee, agent, or representative of a public utility acting within the course and scope of the person's duties to access facilities owned, leased, or operated by a public utility.

(2) For purposes of this section, the following definitions apply:

(a) "Facilities" means distribution and transmission facilities, wires, cables, pipes, poles, meters, and any other device or equipment associated with the delivery of service by the public utility.

(b) (i) "Public utility" means electric, natural gas, water, and sewer utilities, cooperatives, and telecommunications providers that operate, construct, repair, and maintain facilities.

(ii) The term does not include a utility owned or operated by the United States government, the state of Montana, or any incorporated municipality, county, alternative form of local government, or other government subdivision.

Section 2. Section 45-6-203, MCA, is amended to read:

"45-6-203. Criminal trespass to property. (1) Except as provided in 15-7-139, section 1, 70-16-111, and 76-13-116, a person commits the offense of criminal trespass to property if the person knowingly:

(a) enters or remains unlawfully in an occupied structure; or

(b) enters or remains unlawfully in or upon the premises of another.



