

Amendments to House Bill No. 304  
1st Reading Copy  
Requested by Representative Mitch Tropila

For the House Transportation Committee

Prepared by Leanne Kurtz  
February 12, 2015 (8:51am)

1. Title, line 4.

**Following:** "ENCROACHMENTS"

**Strike:** "AND"

2. Title, lines 5 and 6.

**Strike:** "OBSTRUCTIONS" on line 5

**Strike:** "PROVIDING" on line 5 through "OBSTRUCTION;" on line 6

**Insert:** "ALLOWING FOR ISSUANCE OF AN ENCROACHMENT PERMIT UNDER CERTAIN CIRCUMSTANCES;"

3. Title, line 8.

**Strike:** "7-14-2133,"

**Insert:** "7-14-2134,"

4. Page 1, line 12 through line 20.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Section 7-14-2134, MCA, is amended to read:

"**7-14-2134. Removal of highway encroachment.** (1) Except as clarified in 23-2-312 and 23-2-313 and except as provided in subsection subsections (4) and (5) of this section, if any highway is encroached upon by fence, building, or otherwise, the road supervisor or county surveyor of the district ~~must~~ shall give notice, orally or in writing, requiring the encroachment to be removed from the highway.

(2) If the encroachment obstructs and prevents the use of the highway for vehicles, the road supervisor or county surveyor shall immediately remove the encroachment.

(3) The board of county commissioners may at any time order the road supervisor or county surveyor to immediately remove any encroachment.

(4) This section does not apply to a fence for livestock control or property management that is in a county road right-of-way and that is attached to or abuts a county road bridge edge, guardrail, or abutment if the fence and bridge appurtenances are not on the roadway, as defined in 61-1-101. Any fence described in this subsection must comply with 23-2-313.

(5) A county may issue a revocable permit for an encroachment upon a county road right-of-way if the encroachment does not obstruct the road or create a hazard to traffic. An encroachment permit may not allow a locked gate to be placed across a county road right-of-way."

{Internal References to 7-14-2134:  
X 23-2-312 X 23-2-313 }"

- END -