

## 1 SENATE BILL NO. 359

2 INTRODUCED BY S. HINEBAUCH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING GATES ACROSS COUNTY ROADS TO CONTAIN  
5 LIVESTOCK; PROVIDING CRITERIA; AMENDING SECTION 7-14-2134, MCA; AND PROVIDING AN  
6 IMMEDIATE EFFECTIVE DATE."

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

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

11 **"7-14-2134. Removal of highway encroachment.** (1) Except as clarified in 23-2-312 and 23-2-313  
12 and except as provided in subsection (4) of this section, if any highway is encroached upon by fence, building,  
13 or otherwise, the road supervisor or county surveyor of the district must give notice, orally or in writing, requiring  
14 the encroachment to be removed from the highway.

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

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

19 (4) This section does not apply to:

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

24 (b) a gate across a county road provided that:

25 (i) the purpose of the gate is to contain livestock;

26 (ii) the gate remains unlocked; and

27 (iii) the gate does not prevent access to adjacent public lands or waters."

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