

## HOUSE BILL NO. 299

INTRODUCED BY PETERSON, BALES, BARRETT, RIPLEY, TASH

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

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

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

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

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

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

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