65th Legislature

1	SENATE BILL NO. 170
2	INTRODUCED BY S. HINEBAUCH, J. ESSMANN, T. GAUTHIER, A. ROSENDALE, C. SMITH,
3	S. STAFFANSON, R. TEMPEL, C. VINCENT, K. WHITE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CIVIL PENALTIES FOR UNAUTHORIZED OPERATION
6	OF AN UNMANNED AERIAL VEHICLE OVER REAL PROPERTY; AND PROVIDING 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	NEW SECTION. Section 1. Trespass of unmanned aerial vehicle. (1) Except as provided in
12	subsection (2), a person who owns or lawfully occupies real property may bring an action against a person or
13	public body that knowingly or negligently operates an unmanned aerial vehicle that is flown without permission
14	over the real property.
15	(2) A person may not bring an action under this section if:
16	(a) the unmanned aerial vehicle is flown within the boundaries of an easement for which the owner or
17	operator of the unmanned aerial vehicle is authorized to fly the unmanned aerial vehicle;
18	(b)(A) the unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield, or runway
19	and the unmanned aerial vehicle is in the process of taking off or landing; or
20	(с) (В) the unmanned aerial vehicle is not flown over the real property described in subsection (1) below
21	an altitude of 500 feet <u>; OR</u>
22	(C) THE UNMANNED AERIAL VEHICLE IS OPERATED FOR GOVERNMENT OR COMMERCIAL PURPOSES IN COMPLIANCE
23	WITH AUTHORIZATION GRANTED BY THE FEDERAL AVIATION ADMINISTRATION AND:
24	(I) THE UNMANNED AERIAL VEHICLE IS FLOWN WITHIN THE BOUNDARIES OF AN EASEMENT AND THE OWNER OR
25	OPERATOR OF THE UNMANNED AERIAL VEHICLE IS THE OWNER OF THE DOMINANT ESTATE;
26	(II) THE UNMANNED AERIAL VEHICLE IS FLOWN TO ASSIST WITH PROFESSIONAL LAND SURVEYING, SUBJECT TO THE
27	REQUIREMENTS OF 70-16-111:
28	(III) THE UNMANNED AERIAL VEHICLE IS BEING FLOWN BY AN EMPLOYEE OR CONTRACTOR OF:
29	(A) A UTILITY AS DEFINED IN 69-5-102 TO ASSIST WITH PROPERTY DAMAGE OR CATASTROPHE DAMAGE
30	ASSESSMENT;
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1	(B) A MINERAL RIGHTS OWNER OR THE OWNER'S LESSEE OF THE MINERAL ESTATE; OR
2	(C) AN INSURANCE COMPANY IN THE CONDUCT OF INSURANCE-RELATED PURPOSES, INCLUDING BUT NOT LIMITED
3	TO UNDERWRITING, CLAIMS INVESTIGATION, CLAIMS ADJUSTMENT, ASSESSMENT OF PROPERTY DAMAGE, AND SURVEY OF
4	CATASTROPHE DAMAGE; OR
5	(IV) THE UNMANNED AERIAL VEHICLE IS BEING FLOWN BY LAW ENFORCEMENT, SUBJECT TO THE LIMITATIONS
6	PROVIDED IN 46-5-109.
7	(3) A plaintiff prevailing in an action pursuant to this section:
8	(a) is entitled to a civil penalty of not less than \$500 IF THE VIOLATION WAS ABOVE PRIVATE PROPERTY OR
9	NOT LESS THAN \$2,500 IF THE VIOLATION WAS ABOVE A CRITICAL INFRASTRUCTURE FACILITY;
10	(b) may recover treble damages for an injury to the person or the property; and
11	(c) may be awarded injunctive relief.
12	(4) For the purposes of this section, "unmanned aerial vehicle" means an aircraft that is:
13	(a) capable of sustaining flight; and
14	(b) operated with no possible direct human intervention from on or within the aircraft.
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16	NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
17	integral part of Title 70, chapter 16, part 1, and the provisions of Title 70, chapter 16, part 1, apply to [section 1].
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19	NEW SECTION. Section 3. Applicability. [This act] applies to acts committed on or after [the effective
20	date of this act].
21	- END -

