

HOUSE BILL NO. 256

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF ELECTRIC FENCES AS LEGAL
FENCES; AND AMENDING SECTION 81-4-101, MCA."

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

Section 1. Section 81-4-101, MCA, is amended to read:

"81-4-101. Legal fences defined. Except as provided in subsections (2) and (7), a legal fence must be
at least 42 inches but not more than 48 inches in height. The following are legal fences in Montana:

(1) fences constructed of at least three barbed, horizontal, well-stretched wires, the lowest of which is
not less than 15 inches or more than 18 inches from the ground, securely fastened as nearly equidistant as
possible to substantial posts firmly set in the ground or to well-supported leaning posts not exceeding 20 feet
apart or 33 feet apart where two or more stays or pickets are used equidistant between posts;

(2) (a) corral fences that are used exclusively for the purposes of enclosing stacks situated outside of
any lawful enclosure and that:

(i) are not less than 16 feet from the enclosed stack;

(ii) are substantially built with posts not more than 8 feet distant from each other; and

(iii) consist of at least five strands of well-stretched barbed wire not less than 5 or more than 6 feet high;

(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);

(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than
30 feet apart, with two equidistant barbed wires placed above the woven wire;

(4) other fences made of barbed wire, which must be as strong and as well calculated to protect
enclosures as those in subsections (1) through (3);

(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and
6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support

- 1 of each leaning post;
- 2 (6) electric fences ~~consisting of three or more wires; and that:~~
- 3 (a) consist of at least ~~two~~ THREE tightly stretched strands of at least 12.5 gauge, HIGH-TENSILE steel or
- 4 its equivalent;
- 5 (b) are strung by sufficient posts set firmly in the ground ~~no more than 30 feet apart~~ AN AVERAGE DISTANCE
- 6 OF 50 FEET APART ALONG THE FULL SPAN;
- 7 (c) are charged with a standard charger WITH AN OUTPUT OF AT LEAST ONE-HALF JOULE AND with sufficient
- 8 energy for the entirety of the fence; and
- 9 (d) are regularly maintained by the fence owner to ensure the fence is operable;
- 10 (7) rivers, hedges, mountain ridges and bluffs, or other barriers over or through which it is impossible
- 11 for stock to pass; and
- 12 (8) any legal fence listed in subsections (1) through (5) or (7) that also includes at least one strand of
- 13 electrified wire."

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