

SENATE BILL NO. 170

INTRODUCED BY S. HINEBAUCH

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CIVIL PENALTIES FOR UNAUTHORIZED OPERATION OF AN UNMANNED AERIAL VEHICLE OVER REAL PROPERTY; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Trespass of unmanned aerial vehicle. (1) Except as provided in subsection (2), a person who owns or lawfully occupies real property may bring an action against a person or public body that knowingly or negligently operates an unmanned aerial vehicle that is flown without permission over the real property.

(2) A person may not bring an action under this section if:

(a) the unmanned aerial vehicle is flown within the boundaries of an easement for which the owner or operator of the unmanned aerial vehicle is authorized to fly the unmanned aerial vehicle;

(b) the unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield, or runway and the unmanned aerial vehicle is in the process of taking off or landing; or

(c) the unmanned aerial vehicle is not flown over the real property described in subsection (1) below an altitude of 500 feet.

(3) A plaintiff prevailing in an action pursuant to this section:

(a) is entitled to a civil penalty of not less than \$500;

(b) may recover treble damages for an injury to the person or the property; and

(c) may be awarded injunctive relief.

(4) For the purposes of this section, "unmanned aerial vehicle" means an aircraft that is:

(a) capable of sustaining flight; and

(b) operated with no possible direct human intervention from on or within the aircraft.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 70, chapter 16, part 1, and the provisions of Title 70, chapter 16, part 1, apply to [section 1].

