

SENATE BILL NO. 170

INTRODUCED BY S. HINEBAUCH, J. ESSMANN, T. GAUTHIER, A. ROSENDALE, C. SMITH,
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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)(A) 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)(B) the unmanned aerial vehicle is not flown over the real property described in subsection (1) below
an altitude of 500 feet; OR~~

(C) THE UNMANNED AERIAL VEHICLE IS OPERATED FOR GOVERNMENT OR COMMERCIAL PURPOSES IN COMPLIANCE
WITH AUTHORIZATION GRANTED BY THE FEDERAL AVIATION ADMINISTRATION AND:

(I) THE UNMANNED AERIAL VEHICLE IS FLOWN WITHIN THE BOUNDARIES OF AN EASEMENT AND THE OWNER OR
OPERATOR OF THE UNMANNED AERIAL VEHICLE IS THE OWNER OF THE DOMINANT ESTATE;

(II) THE UNMANNED AERIAL VEHICLE IS FLOWN TO ASSIST WITH PROFESSIONAL LAND SURVEYING, SUBJECT TO THE
REQUIREMENTS OF 70-16-111;

(III) THE UNMANNED AERIAL VEHICLE IS BEING FLOWN BY AN EMPLOYEE OR CONTRACTOR OF:

(A) A UTILITY AS DEFINED IN 69-5-102 TO ASSIST WITH PROPERTY DAMAGE OR CATASTROPHE DAMAGE
ASSESSMENT;



