

SENATE BILL NO. 170

INTRODUCED BY S. HINEBAUCH, J. ESSMANN, T. GAUTHIER, A. ROSENDALE, C. SMITH,
S. STAFFANSON, R. TEMPEL, C. VINCENT, K. WHITE

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

~~(ii) THE UNMANNED AERIAL VEHICLE IS FLOWN OVER THE REAL PROPERTY DESCRIBED IN SUBSECTION (1) ABOVE
AN ALTITUDE OF 250 FEET; OR~~

~~(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)(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;~~

~~(D) 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;~~

~~(D) THE UNMANNED AERIAL VEHICLE IS FLOWN TO ASSIST WITH PROFESSIONAL LAND SURVEYING, SUBJECT TO~~



1 THE REQUIREMENTS OF 70-16-111;

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

3 ~~(A)(I)~~ A UTILITY AS DEFINED IN 69-5-102 TO ASSIST WITH PROPERTY DAMAGE OR CATASTROPHE DAMAGE

4 ASSESSMENT;

5 ~~(B)(II)~~ A MINERAL RIGHTS OWNER OR THE OWNER'S LESSEE OF THE MINERAL ESTATE; OR

6 ~~(C)(III)~~ AN INSURANCE COMPANY IN THE CONDUCT OF INSURANCE-RELATED PURPOSES, INCLUDING BUT NOT

7 LIMITED TO UNDERWRITING, CLAIMS INVESTIGATION, CLAIMS ADJUSTMENT, ASSESSMENT OF PROPERTY DAMAGE, AND

8 SURVEY OF CATASTROPHE DAMAGE; OR

9 ~~(F)~~ THE UNMANNED AERIAL VEHICLE IS BEING FLOWN BY LAW ENFORCEMENT, SUBJECT TO THE LIMITATIONS

10 PROVIDED IN 46-5-109.

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

12 (a) is entitled to a civil penalty of not less than \$500 IF THE VIOLATION WAS ABOVE PRIVATE PROPERTY OR

13 NOT LESS THAN \$2,500 IF THE VIOLATION WAS ABOVE A CRITICAL INFRASTRUCTURE FACILITY;

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

15 (c) may be awarded injunctive relief.

16 (4) For the purposes of this section, THE FOLLOWING DEFINITIONS APPLY:

17 (A) "CRITICAL INFRASTRUCTURE FACILITY" MEANS ONE OF THE FOLLOWING, IF COMPLETELY ENCLOSED BY A

18 FENCE OR OTHER PHYSICAL BARRIER:

19 (I) A PETROLEUM OR ALUMINA REFINERY;

20 (II) AN ELECTRICAL POWER GENERATING FACILITY SUBSTATION, SWITCHING STATION, OR ELECTRICAL CONTROL

21 CENTER;

22 (III) A CHEMICAL, POLYMER, PHARMACEUTICAL, OR RUBBER MANUFACTURING FACILITY;

23 (IV) A WATER INTAKE STRUCTURE, WATER TREATMENT FACILITY, WASTEWATER TREATMENT PLANT, OR PUMP

24 STATION;

25 (V) A NATURAL GAS COMPRESSOR STATION;

26 (VI) A LIQUID NATURAL GAS TERMINAL OR STORAGE FACILITY;

27 (VII) A TELECOMMUNICATIONS CENTRAL SWITCHING OFFICE;

28 (VIII) WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE, INCLUDING CELL TOWERS;

29 (IX) A PORT, RAILROAD SWITCHING YARD, TRUCKING TERMINAL, OR OTHER FREIGHT TRANSPORTATION FACILITY;

30 (X) A GAS PROCESSING PLANT, INCLUDING A PLANT USED IN PROCESSING, TREATMENT, OR FRACTIONATION OF

1 NATURAL GAS;

2 (XI) A TRANSMISSION FACILITY USED BY A FEDERALLY LICENSED RADIO OR TELEVISION STATION;

3 (XII) A DAM THAT IS REGULATED BY THE STATE OR FEDERAL GOVERNMENT;

4 (XIII) A CORRECTIONAL FACILITY OR LAW ENFORCEMENT FACILITY;

5 (XIV) A RAILROAD CONDUCTING RAILROAD-RELATED PURPOSES, INCLUDING BUT NOT LIMITED TO INSPECTION,

6 RESCUE, DISASTER INVESTIGATION, OR OTHER SAFETY, EMERGENCY, AND NONEMERGENCY PURPOSES;

7 (XV) A HOSPITAL;

8 (XVI) A FEEDLOT OR LIVESTOCK ENCLOSURE.

9 (B) "unmanned UNMANNED aerial vehicle" means an aircraft that is:

10 ~~(a)~~(i) capable of sustaining flight; and

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

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13 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
14 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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16 NEW SECTION. Section 3. Applicability. [This act] applies to acts committed on or after [the effective
17 date of this act].

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