

SENATE BILL NO. 273

INTRODUCED BY F. MOORE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CIVIL LIABILITY LAWS RELATED TO COMMON CARRIER PIPELINES; PROVIDING THAT A LANDOWNER AND COMMON CARRIER PIPELINE MAY AGREE THROUGH AN EASEMENT OR RIGHT-OF-WAY AGREEMENT TO LIMIT THE LANDOWNER'S LIABILITY TO THE COMMON CARRIER PIPELINE; AMENDING SECTION 28-2-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Right-of-way or easement agreement -- landowner liability.** Whenever a common carrier pipeline as defined in 69-13-101 seeks to obtain an easement or right-of-way for a pipeline through an agreement with a property owner, the parties may agree that the landowner is not liable for any acts, omissions, or damages caused by the landowner or any agents acting on behalf of the landowner. The terms of an agreement under this section are not subject to the provisions of 28-2-702 and are enforceable by the landowner in any court of competent jurisdiction.

**Section 2.** Section 28-2-702, MCA, is amended to read:

**"28-2-702. Contracts that violate policy of law -- exemption from responsibility -- exception.** Except as provided in 27-1-753 and [section 1], all contracts that have for their object, directly or indirectly, to exempt anyone from responsibility for the person's own fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent, are against the policy of the law."

**NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 13, part 1, and the provisions of Title 69, chapter 13, part 1, apply to [section 1].

**NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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