

SENATE BILL NO. 338

INTRODUCED BY M. LANG

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CIVIL LIABILITY LAW; LIMITING THE DUTY OF CARE OWED TO A TRESPASSER; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Liability of landowner to trespasser.** (1) Except as provided in subsection (2):

(a) A landowner owes a trespasser no duty of care with respect to the condition of the property.

(b) A trespasser enters or remains on the trespassed property without any assurance that the property is safe for any purpose.

(2) (a) A landowner may be liable to a trespasser for an injury to person or property for an act or omission that constitutes willful or wanton misconduct.

(b) This section does not affect any immunities from or defense to civil liability established by another section of the Montana Code Annotated or available at common law to which a landowner may be entitled.

(3) As used in this section, the following definitions apply:

(a) "Landowner" means a person or private entity, including a landowner's agent, tenant, lessee, occupant, grantee of conservation easement, water users' association, and person or entities in control of the property or with an agreement to use or occupy the property.

(b) "Property" means privately owned real property of any kind. The term includes any improvements, buildings, structures, machinery, and equipment on the property.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

