

1 SENATE BILL NO. 354

2 INTRODUCED BY S. HINEBAUCH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LAND SERVITUDES AND
 5 EASEMENTS; ALLOWING THE OWNER OF A SERVIENT TENEMENT TO MARK THE SERVITUDE
 6 BOUNDARIES WITH SIGNAGE; PROVIDING THAT THE EXTENT OF A SERVITUDE MAY NOT EXTEND
 7 BEYOND THOSE PURPOSES PROVIDED FOR IN WRITING; AMENDING SECTION 70-17-106, MCA; AND
 8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 NEW SECTION. Section 1. Easement signage. The owner of a servient tenement may place private
 13 property signage along the servitude boundary to ensure those persons or entities using the servitude
 14 understand the servitude boundary.

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16 **Section 2.** Section 70-17-106, MCA, is amended to read:

17 **"70-17-106. Extent of servitude.** (1) Except as otherwise provided in 23-2-312, 23-2-322, and this
 18 section, the extent of a servitude is determined by the terms of the grant or the nature of the enjoyment by
 19 which it was acquired.

20 (2) A servitude granted, either by the terms of the grant or by the nature of the enjoyment, to a local,
 21 state, or federal government body for administrative purposes does not create a right to use the servitude for
 22 any other purpose unless specifically provided for in writing in the grant.

23 (3) The holder of a written servitude may not use the servitude to grant additional rights and privileges
 24 to a successor or assignee unless the successor or assignee is specifically provided for in writing in the grant."

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26 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
 27 integral part of Title 70, chapter 17, part 1, and the provisions of Title 70, chapter 17, part 1, apply to [section 1].

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