



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

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

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

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

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

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

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

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

**Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Section 5. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
SB 354, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

SENATE BILL NO. 354

INTRODUCED BY S. HINEBAUCH

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