

1 SENATE BILL NO. 219

2 INTRODUCED BY W. CURDY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WILDFIRE SUPPRESSION LAWS; PROVIDING  
5 DEFINITIONS REGARDING UNMANNED AERIAL VEHICLES AND WILDFIRE SUPPRESSION ACTIVITIES;  
6 REVISING THE OFFENSE OF OBSTRUCTION OF WILDFIRE SUPPRESSION ACTIVITIES; AUTHORIZING  
7 USE OF FORCE BY A PEACE OFFICER; AMENDING SECTIONS 76-13-102, 76-13-112, 76-13-203, AND 76-  
8 13-214, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 76-13-102, MCA, is amended to read:

13 **"76-13-102. Definitions.** Unless the context requires otherwise, in part 2 and this part, the following  
14 definitions apply:

15 (1) "Conservation" means the protection and wise use of forest, range, water, and soil resources in  
16 keeping with the common welfare of the people of this state.

17 (2) "Department" means the department of natural resources and conservation provided for in Title  
18 2, chapter 15, part 33.

19 (3) "Forest land" means land that has enough timber, standing or down, slash, or brush to  
20 constitute in the judgment of the department a fire menace to life or property. Grassland and agricultural areas  
21 are included when those areas are intermingled with or contiguous to and no further than one-half mile from  
22 areas of forest land.

23 (4) (a) "Forest practices" means the harvesting of trees, road construction or reconstruction  
24 associated with harvesting and accessing trees, site preparation for regeneration of a timber stand,  
25 reforestation, and the management of logging slash.

26 (b) The term does not include activities for the purpose of:

27 (i) the operation of a nursery or Christmas tree farm;

1           **Section 4.** Section 76-13-214, MCA, is amended to read:

2           "**76-13-214. Obstruction of aerial ~~aerial-wildfire suppression effort activities~~ -- penalty --**

3 **exceptions.** (1) A person may not obstruct, impede, prevent, or otherwise interfere with a lawful aerial ~~aerial~~  
4 ~~wildfire suppression response by a state or local government effort activities~~ by any means, including by the  
5 use of an unmanned aerial vehicle system.

6           (2) A person who violates subsection (1) is ~~liable for a civil penalty to the state or local government~~  
7 ~~for an amount equivalent to the reasonable costs of obstructing, impeding, preventing, or interfering with an~~  
8 ~~aerial wildfire suppression response effort. The penalty may not exceed the actual flight costs of the aerial~~  
9 ~~wildfire suppression response effort that was obstructed, impeded, prevented, or interfered with~~ guilty of a  
10 misdemeanor and shall be punished by a fine of not more than \$1,500. ~~A person convicted of violating~~  
11 ~~subsection (1) may be ordered to pay as restitution:~~

12           ~~(a) — damages to any person or property caused by the violation; and~~

13           ~~(b) — wildfire suppression costs caused by the violation.~~

14           ~~(3) — A PEACE OFFICER, AS DEFINED IN 45-2-101, MAY USE REASONABLE FORCE TO DISABLE, DAMAGE, OR~~  
15 ~~DESTROY AN UNMANNED AERIAL VEHICLE SYSTEM THAT IS OBSTRUCTING, IMPEDING, PREVENTING, OR OTHERWISE~~  
16 ~~INTERFERING WITH LAWFUL WILDFIRE SUPPRESSION ACTIVITIES.~~

17           ~~(3)~~(4) ~~(3)~~       (a) Subsection (1) does not apply to the operation of an unmanned aerial vehicle  
18 system conducted by a unit or agency of the United States government or of a state, tribal, or local government,  
19 including any individual conducting an operation pursuant to a contract or other agreement entered into with the  
20 unit or agency, for the purpose of protecting the public safety and welfare, including firefighting, law  
21 enforcement, or emergency response.

22           (b)       Subsection (2) does not limit other remedies available for damages to any person or property  
23 or the recovery of wildfire suppression costs caused by a person who violates subsection (1).

24           ~~(4) — As used in this section, the following definitions apply:~~

25           ~~(a) — "Unmanned aerial vehicle" means an aircraft that is:~~

26           ~~(i) — capable of sustaining flight; and~~

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

**Amendment - 1st Reading/2nd House-blue - Requested by: Steve Gist - (H) Natural Resources**

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

SB0219.002.001

1           ~~(b) "Unmanned aerial vehicle system" means the entire system used to operate an unmanned aerial~~  
2 ~~vehicle, including:~~

3           ~~(i) the unmanned aerial vehicle;~~

4           ~~(ii) communications equipment;~~

5           ~~(iii) navigation equipment;~~

6           ~~(iv) controllers;~~

7           ~~(v) support equipment; and~~

8           ~~(vi) autopilot functionality.~~

9           ~~(c) "Wildfire" means an unplanned, unwanted fire burning uncontrolled and consuming vegetative~~  
10 ~~fuels.~~

11           ~~(d) "Wildfire suppression" means an effort to contain, extinguish, or suppress a wildfire."~~

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

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