

**Amendment - 2nd Reading/2nd House-tan - Requested by: Amy Regier - (H) Committee of the Whole**

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0333.003.002

1 SENATE BILL NO. 333

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF CRIMINAL TRESPASS BY  
5 UNMANNED AERIAL VEHICLE; DEFINING "UNMANNED AERIAL VEHICLE"; PROVIDING EXCEPTIONS;  
6 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 NEW SECTION. Section 1. Criminal trespass by unmanned aerial vehicle -- EXCEPTIONS. (1) A  
11 EXCEPT AS PROVIDED IN SUBSECTION (3), A person commits the offense of criminal trespass by unmanned aerial  
12 vehicle if the person knowingly causes an unmanned aerial vehicle to fly 200 feet or lower over the property or  
13 residence of another person without the authorization of the property owner or resident.

14 (2) A person convicted of the offense of criminal trespass by unmanned aerial vehicle shall be  
15 fined \$500.

16 (3) SUBSECTION (1) DOES NOT APPLY TO THE OPERATION OF AN UNMANNED AERIAL VEHICLE SYSTEM:

17 (A) CONDUCTED BY A UNIT OR AGENCY OF THE FEDERAL GOVERNMENT, THE STATE, OR A TRIBAL OR LOCAL  
18 GOVERNMENT, INCLUDING ANY INDIVIDUAL CONDUCTING AN OPERATION PURSUANT TO A CONTRACT OR OTHER  
19 AGREEMENT ENTERED INTO WITH THE UNIT OR AGENCY, FOR THE PURPOSE OF PROTECTING THE PUBLIC SAFETY,  
20 ENVIRONMENT, AND WELFARE, INCLUDING FIREFIGHTING, LAW ENFORCEMENT, OR EMERGENCY RESPONSE;

21 (B) BY A PEACE OFFICER ACTING IN ACCORDANCE WITH 46-5-109;

22 (C) WITHIN THE BOUNDARIES OF AN EASEMENT WITH THE PERMISSION OF THE OWNER OF THE DOMINANT  
23 TENEMENT; OR

24 (D) BEING USED BY AN EMPLOYEE OR CONTRACTOR OF A *property and casualty insurance carrier, a*  
25 *common carrier pipeline as defined in 69-13-101, a railroad carrier as defined in 69-14-1203, a UTILITY AS*  
26 *DEFINED IN 69-5-102 OR A PROVIDER OF BROADBAND SERVICE AS DEFINED IN 90-1-602 TO HELP ASSESS PROPERTY*  
27 *DAMAGE OR CATASTROPHE DAMAGE OR TO INSPECT PROPERTY AND EQUIPMENT, INCLUDING CELL TOWERS AND*

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1 WIRELESS TELECOMMUNICATIONS INFRASTRUCTURE: or  
2 (e) by a business entity doing business lawfully in this state using an unmanned aerial vehicle for  
3 legitimate business purposes, if that entity has landowner permission, established through a contractual  
4 relationship or other documentary evidence.

5 ~~(3)~~(4) "Unmanned aerial vehicle" has the meaning provided in 76-13-214.

6  
7 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
8 integral part of Title 45, chapter 6, part 2, and the provisions of Title 45, chapter 6, part 2, apply to [section 1].

9  
10 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

11 - END -