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HOUSE BILL NO. 486

INTRODUCED BY P. GREEN, M. MALONE, K. ZOLNIKOV, M. MARLER, D. LOGE, T. BROCKMAN, B.

PHALEN, M. ROMANO

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING HIGHWAY ENCROACHMENTS; ALLOWING AN INDIVIDUAL TO PETITION FOR THE REMOVAL OF AN ENCROACHMENT; INCREASING THE FINES FOR FAILURE TO REMOVE AN ENCROACHMENT; AND AMENDING SECTIONS 7-14-2134, 7-14-2136, AND 7-14-2137, MCA."

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

Section 1. Section 7-14-2134, MCA, is amended to read:

"7-14-2134. Removal of highway encroachment. (1) Except as clarified in 23-2-312 and 23-2-313 and except as provided in subsection (4)-(5) of this section, if any highway is encroached upon on by a gate, fence, building, or otherwise, the road supervisor or county surveyor of the district must shall give notice, orally or in writing, requiring the encroachment to be removed from the highway.

(2) If the encroachment obstructs and prevents the use of the highway for vehicles, the road supervisor or county surveyor shall immediately remove the encroachment.

(3) The board of county commissioners may at any time order the road supervisor or county surveyor to immediately remove any encroachment.

(4) An individual may petition the board in writing to have the encroachment removed from the a highway that is currently in the county road inventory.

(4)(5) This section does not apply to a fence for livestock control or property management that is in a county road right-of-way and that is attached to or abuts a county road bridge edge, guardrail, or abutment if the fence and bridge appurtenances are not on the roadway, as defined in 61-1-101. Any fence described in this subsection must comply with 23-2-313."

Section 2. Section 7-14-2136, MCA, is amended to read: