_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

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

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

NEW SECTION. **Section 1. Criminal trespass by unmanned aerial vehicle -- exceptions.** (1) Except as provided in subsection (3), a person commits the offense of criminal trespass by unmanned aerial vehicle if the person knowingly causes an unmanned aerial vehicle to fly 200 feet or lower over the property or residence of another person without the authorization of the property owner or resident.

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

(3) Subsection (1) does not apply to the operation of an unmanned aerial vehicle system:

(a) conducted by a unit or agency of the federal government, the state, or a tribal or local government, including any individual conducting an operation pursuant to contract or other agreement entered into with the unit or agency, for the purpose of protecting the public safety, environment, and welfare, including firefighting, law enforcement, and emergency response;

(b) by a peace officer acting in accordance with 46-5-109;

(c) within the boundaries of an easement with the permission of the owner of the dominant tenement; or

(d) being used by an employee or contractor of a utility as defined in 69-5-102 or a provider of broadband service as defined in 90-1-602 to help assess property damage or catastrophe damage or to inspect property and equipment, including cell towers and wireless telecommunications infrastructure.

(4) As used in this section, "unmanned aerial vehicle" has the same meaning as provided in 76-13-102.

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

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

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