

1 SENATE BILL NO. 493  
2 INTRODUCED BY G. HERTZ  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF CRIMINAL TRESPASS BY  
5 UNMANNED AERIAL VEHICLE; PROVIDING EXCEPTIONS; PROVIDING A DEFINITION; AND PROVIDING  
6 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)

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 contract or other agreement entered  
19 into with the unit or agency, for the purpose of protecting the public safety, environment, and welfare, including  
20 firefighting, law enforcement, and 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 utility as defined in 69-5-102 or a provider of  
25 broadband service as defined in 90-1-602 to help assess property damage or catastrophe damage or to inspect  
26 property and equipment, including cell towers and wireless telecommunications infrastructure AND INCLUDING  
27 THE DEPLOYMENT OF DRONES; OR

28 (E) BY AN OWNER OR OPERATOR OF THE SYSTEM WHO HAS AN ACTIVE LICENSE ISSUED BY THE FEDERAL

1 AVIATION ADMINISTRATION AND IS OPERATING THE SYSTEM FOR LEGITIMATE BUSINESS PURPOSES IN A MANNER  
2 CONSISTENT WITH APPLICABLE FEDERAL AVIATION ADMINISTRATION RULES, LICENSES, AND EXEMPTIONS.

5

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

8

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

10

- END -