

HOUSE BILL NO. 499

INTRODUCED BY S. FITZPATRICK, N. SWANDAL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROCESS SERVERS; ALLOWING  
5 PROCESS SERVERS LIMITED ACCESS TO PRIVATE PROPERTY TO EXECUTE SERVICE OF PROCESS;  
6 PROVIDING THAT A PROCESS SERVER MAY NOT BE HELD LIABLE IN A CIVIL OR CRIMINAL TRESPASS  
7 ACTION; AND AMENDING SECTION 45-6-203, MCA."

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

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11 NEW SECTION. **Section 1. Duties of process servers -- limited access to private property.** (1) A  
12 person who is a registered process server as described in 25-1-1101 must be granted limited access to private  
13 property for a reasonable period of time in order to execute service of process. A process server may not enter  
14 a residence or structure of the property owner, and entry onto private property must be reasonable and necessary  
15 to execute service.

- 16 (2) A process server acting within the course and scope of the process server's duties:  
17 (a) may not be held liable in a civil action for entering private property; and  
18 (b) is not subject to the provisions of 45-6-203 for criminal trespass to property.

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20 **Section 2.** Section 45-6-203, MCA, is amended to read:

21 **"45-6-203. Criminal trespass to property.** (1) Except as provided in 15-7-139, [section 1], 70-16-111,  
22 and 76-13-116, a person commits the offense of criminal trespass to property if the person knowingly:

- 23 (a) enters or remains unlawfully in an occupied structure; or  
24 (b) enters or remains unlawfully in or upon the premises of another.

25 (2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500  
26 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

27 (3) A person convicted of or who forfeits bond or bail for committing an act of criminal trespass involving  
28 property owned or administered by the department of fish, wildlife, and parks or while hunting, fishing, or trapping  
29 may be subject to revocation of the person's privilege to hunt, fish, or trap in this state for up to 24 months from  
30 the date of conviction or forfeiture."

