

News for Immediate Release

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Montana BHA and Partners Celebrate Bill that Defends Legal Public Access

Montana's House Bill 486 increases the fine 10X for illegally blocking public roads

Missoula, Mont. – More than 3 million acres of public lands in Montana are inaccessible. House Bill 486 - which increases the fines for illegally blocking public roads from \$10 per day to \$100 per day and is now law - seeks to stop that number from growing any higher.

The previous fine for illegally blocking a public road in Montana was so low that no records of this fine ever being levied have been found. The \$10 per day fine was set in 1965 and hadn't been raised since. Adjusting for inflation, that would be about \$100 in today's value, which HB 486 takes into account.

"HB 486 solves a bipartisan problem – out of state interests blocking county roads," said Rep. Paul Green (R-Hardin), the bill sponsor. "This is something all Montanans should be concerned with."

"Our hope is that by increasing the fine this puts some teeth in the punishment and protects the public's rights to access our public lands," said Montana BHA Board Chair John Sullivan. "We thank Representative Green for bringing this bill and also thank the bill's cosponsors and all the legislators who supported this legislation. We also thank Governor Gianforte, who's repeatedly expressed his support for public access, for signing this bill into law."

"We are proud of the work that went into this bill and the consensus that we must better protect access to Montana's public lands and waters," said Public Land Water Access Association Executive Director Drewry Hanes. "HB 486 is about access equity, and the idea that no person deserves preferential treatment under the law, especially when they are breaking it. This bill is a positive step forward in this process."

"HB 486, a bill long overdue, would help provide flexibility for counties on clear-cut cases of illegally blocked public access," said Montana Wildlife Federation Board Member Mandela van Eeden. "It's important to note that this fine would not apply to fences used for livestock control or property management; it is just for encroachments that unequivocally block public access on roads and trailheads that are found in the county inventory."

Montana BHA worked closely with the bill sponsor to introduce the bill and - with the help of public access advocates like PLWA and MWF - advance it through the Montana legislature. It originally included a fine with a range of \$100-\$500 per day, but that was amended in the Senate to a flat rate of \$100 per day.

"Besides the fact it's never been levied, the previous fine was so low that even someone with modest means could afford to block a road for months at a time, therefore creating their own private hunting, fishing, or recreation oasis on our public lands," says Montana BHA board member Corey Ellis. "Meanwhile, the public would have been forced out. It's theft. And this new law seeks to address that."

Members of the public seeking to access public lands are not the only ones affected by illegal encroachments that block legal public roads; these also can prevent private landowners from accessing their own land and delay response times for a fire or medical emergency. [HB 486](#) also provides Montanans with an avenue to petition the board of county commissioners to remove illegal road encroachments.

Protecting public access rights is a priority for Montana BHA, as is upholding the rights of private property owners.

"Currently, Montana hunters and anglers face steep fines and consequences – like losing hunting and fishing privileges or even jail time – if they're cited for criminal trespass or failure to obtain permission to hunt," said Sullivan. "We believe we should be defending our legal access to public lands with just as much sincerity, and this bill is a step in the right direction."

HB 486 passed the Montana legislature and was signed into law by Gov. Gianforte on May 18, 2023.

**Backcountry Hunters & Anglers is the voice
for our wild public lands, waters and wildlife.**