

## Montana Laws - Display of unauthorized signs, signals, or markings



The following Montana laws pertain to illegal signs/orange paint that attempts to divert/obstruct legal public access on roads, including county roads. Legal signs placed by the county or state will have a label on the backside. If you have proof that the road is a legal public right-of-way, please contact your County Commissioners with the images, coordinates or location on a map, and the following laws to get the illegal signs or orange paint removed.

In the photo examples above: First sign is a county sign, but a landowner has placed an illegal “No National Forest Access” sign below it. Second sign is a professionally printed metal sign, not placed by the county, where a public right-of-way exists.

61-8-103. Provisions uniform throughout state -- power of local authorities. **The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this chapter** unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter.

61-1-101 (27) Definitions "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

Montana Code Annotated 61-8-210. Display of unauthorized signs, signals, or markings. (1) **A person may not place, maintain, or display upon or in view of a highway any unauthorized sign, signal, marking, or device that purports to be or is an imitation of or resembles an official traffic control device, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any official traffic control device or flag person.**

(2) A person may not place or maintain and a public authority may not permit commercial advertising on an official traffic control device on a highway, except for business signs included as a part of official motorist service panels or roadside area information panels approved by the department of

transportation.

(3) This section does not prohibit the erection of signs upon private property adjacent to highways that give useful directional information and that are of a type that cannot be mistaken for official signs.

#### Violation Of Chapter -- Penalty

61-8-711. (1) It is a misdemeanor for a person to violate any of the provisions of this chapter unless the violation is declared to be a felony.

(2) Each person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction be punished by a fine of not less than \$10 or more than \$100. For a second conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.

#### Orange Paint

If the landowner has painted orange on a gate, fence or sign, according to MCA 45-6-201 Crimes, indicates it is private property, through which the public has no right-of-way.

Therefore, if the road does have right-of-way, the orange paint from any signs, gates or posts needs to be removed. Please contact your County Commission with the documentation mentioned above.

MCA 45-6-201 Crimes "Definition of enter or remain unlawfully. (1) A person enters or remains unlawfully in or upon any vehicle, occupied structure, or premises when the person is not licensed, invited, or otherwise privileged to do so. Privilege to enter or remain upon land is extended either by the explicit permission of the landowner or other authorized person or by the failure of the landowner or other authorized person to post notice denying entry onto private land. The privilege may be revoked at any time by personal communication of notice by the landowner or other authorized person to the entering person.

(2) To provide for effective posting of private land **through which the public has no right-of-way**, the notice provided for in subsection (1) must satisfy the following requirements:

(a) notice must be placed on a post, structure, or natural object **by marking it with written notice or with not less than 50 square inches of fluorescent orange paint**, except that when metal fenceposts are used, the entire post must be painted; and

(b) the notice described in subsection (2)(a) **must be placed at each outer gate and normal point of access to the property**, including both sides of a water body crossing the property wherever the water body intersects an outer boundary line."

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