2022 DRONE SCORECARD

MONTANA

STATE SCORE

Scores are on a 100-point scale; maximum points are noted in lower-right corners.

Factors Helping the State Score

Avigation Easement Law
Montana law creates an avigation easement, which means drone operators are protected from nuisance and trespass laws as long as their drones do not disturb people on the ground.¹

Task Force or Program Office
The state has a drone task force—the Montana Unmanned Aerial Systems (UAS) Council—overseen by the Montana Department of Transportation. The task force was created by Governor Steve Bullock’s executive order in 2019 and develops statewide policy recommendations regarding residents’ property rights and privacy expectations.

Law Vesting Landowners with Air Rights
Montana law expressly provides air rights to landowners, which reduces litigation risk for drone operators.²

Factors Hindering the State Score

Airspace Lease Law
Montana law does not allow public authorities to lease low-altitude airspace above state and local roads. An airspace lease law would allow state or local officials to create drone highways above these roadways.

Sandbox
Montana does not have a drone sandbox. State officials should consider dedicating state facilities and airspace to commercial drone testing.

Jobs Estimate
Montana is in the fourth quintile when it comes to the number of drone-related jobs per 100,000 people.

Please visit www.mercatus.org/dronescorecard for the full research paper and methodology.
Definitions

**Airspace Lease Law**
States receive points for having laws that allow state and local authorities to lease airspace above public roadways. These laws allow officials in the future to create drone highways safely, away from airports and residential areas.

**Avigation Easement Law**
States receive points for expressly creating an avigation easement, meaning that drones (and planes) are free to fly over private property as long as they do not disturb those on the ground.

**Task Force or Program Office**
States receive points if they have an active statewide task force or a program office dedicated to commercial drone services.

**Law Vesting Landowners with Air Rights**
States receive points for expressly vesting landowners with air rights. This law reduces litigation risk by putting drone operators on notice that drone flights that are too low or disruptive to landowners are not permitted.

**Sandbox**
States receive points if they have dedicated state facilities and airspace for commercial drone testing.

**Jobs Estimate**
This score is based on the number of drone jobs per 100,000 people; estimated using ZipRecruiter data.

Notes
2. § 67-1-203.