

HOUSE BILL 461

Introduced by Whalen, et al.

1/30	Introduced
1/30	Referred to Judiciary
1/30	First Reading
2/14	Hearing
2/15	Committee Report--Bill Passed as Amended
2/25	2nd Reading Do Pass Motion Failed

1 HOUSE BILL NO. 461  
 2 INTRODUCED BY Whalen Menahan  
 3 Deirdre Cohen Brady  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INSURER OF  
 5 A DEFENDANT TO BE JOINED AS A DEFENDANT IF A CLAIM IS OR MAY  
 6 BE COVERED BY THE INSURER; PROVIDING THAT EVIDENCE OF THE  
 7 AMOUNT AND COVERAGE OF THE INSURANCE IS ADMISSIBLE AS TO THE  
 8 AMOUNT AND AWARD OF DAMAGES; REPEALING SECTION 33-23-102,  
 9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN  
 10 APPLICABILITY DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Joinder of defendant's insurer  
 14 -- evidence of insurance. (1) In a civil proceeding in which  
 15 a claim or claims against a defendant are or may be covered  
 16 by insurance, the insurance company is a real party in  
 17 interest and must be joined as an additional party  
 18 defendant.

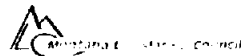
19 (2) Evidence of the amount and coverage of the  
 20 insurance is admissible and must be addressed in the jury  
 21 instructions.

22 NEW SECTION. Section 2. Repealer. Section 33-23-102,  
 23 MCA, is repealed.

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

1 NEW SECTION. Section 4. Applicability. [This act]  
 2 applies to claims arising after [the effective date of this  
 3 act].

-End-



APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 461

2 INTRODUCED BY WHALEN, MENAHAN, DAILY,

3 COHEN, GRADY, NATHE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INSURER OF  
6 A DEFENDANT TO BE JOINED AS A DEFENDANT IF A CLAIM IS OR MAY  
7 BE COVERED BY MOTOR VEHICLE LIABILITY INSURANCE SOLD BY THE  
8 INSURER; PROVIDING THAT EVIDENCE OF THE AMOUNT AND COVERAGE  
9 OF THE INSURANCE IS ADMISSIBLE AS TO THE AMOUNT AND AWARD OF  
10 DAMAGES; REPEALING SECTION 33-23-102, MCA; AND PROVIDING AN  
11 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

12

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

14 NEW SECTION. Section 1. Joinder of defendant's MOTOR  
15 VEHICLE LIABILITY insurer -- evidence of insurance. (1) In a  
16 civil proceeding in which a claim or claims against a  
17 defendant are or may be covered by MOTOR VEHICLE LIABILITY  
18 insurance, the insurance company is a real party in interest  
19 and must be joined as an additional party defendant.

20 (2) Evidence of the amount and coverage of the  
21 LIABILITY insurance is admissible and must be addressed in  
22 the jury instructions.

23 NEW SECTION. Section 2. Repealer. Section 33-23-102,  
24 MCA, is repealed.

25 NEW SECTION. Section 3. Effective date. [This act] is

1 effective on passage and approval.

2 NEW SECTION. Section 4. Applicability. [This act]

3 applies to claims arising after [the effective date of this  
4 act].

-End-

