

HOUSE BILL 851

Introduced by Whalen, et al.

2/14	Introduced
2/14	Referred to Judiciary
2/15	First Reading
2/22	Hearing
	Died in Committee

1 *House* BILL NO. *551* *Bob Pipinich*  
 2 INTRODUCED BY *Whalen, Williams, Harrington, [unclear]*  
 3 *Conrad, Bonar, Beck, [unclear], B. McElroy*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REMEDIES FOR  
 5 ~~WRONGFUL DISCHARGE;~~ *581* *Richard E. Manning* REMOVING LIMITATIONS ON DAMAGES;  
 6 ALLOWING DAMAGES FOR PAIN AND SUFFERING, EMOTIONAL DISTRESS,  
 7 COMPENSATORY DAMAGES, AND PUNITIVE DAMAGES; ELIMINATING THE  
 8 PROVISION FOR ARBITRATION; AMENDING SECTION 39-2-905, MCA;  
 9 AND REPEALING SECTION 39-2-914, MCA."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 39-2-905, MCA, is amended to read:

13 "39-2-905. Remedies. (1) If an employer has committed a  
 14 wrongful discharge, the employee may be awarded lost wages  
 15 and fringe benefits ~~for a period not to exceed 4 years from~~  
 16 ~~the date of discharge, together with interest thereon.~~  
 17 Interim earnings, including amounts the employee could have  
 18 earned with reasonable diligence, must be deducted from the  
 19 amount awarded for lost wages.

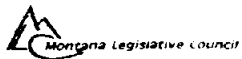
20 (2) The employee may recover punitive damages otherwise  
 21 allowed by law if it is established by clear and convincing  
 22 evidence that the employer engaged in actual fraud or actual  
 23 malice in the discharge of the employee in violation of  
 24 39-2-904(1).

25 ~~(3) There is no right under any legal theory to damages~~

1 ~~for wrongful discharge under this part for pain and~~  
 2 ~~suffering, emotional distress, compensatory damages,~~  
 3 ~~punitive damages, or any other form of damages, except as~~  
 4 ~~provided for in subsections (1) and (2)."~~

5 **NEW SECTION. Section 2.** Repealer. Section 39-2-914,  
 6 MCA, is repealed.

-End-



-2- INTRODUCED BILL  
 HB 851