

HOUSE BILL 872

Introduced by Cobb

2/14	Introduced
2/14	Referred to Judiciary
2/15	First Reading
2/20	Hearing
2/20	Tabled in Committee

1 HOUSE BILL NO. 872
2 INTRODUCED BY COBB

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE
5 WAIVER OF STATE IMMUNITY IN CONTRACT ACTIONS IS LIMITED TO
6 THOSE BASED ON EXPRESS CONTRACTS; IMPLEMENTING THE MONTANA
7 SUPREME COURT'S DECISION IN PERETTI V. STATE, 238 MONT. 239,
8 777 P.2D 329 (1989); AND AMENDING SECTION 18-1-404, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

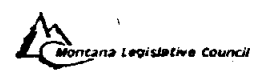
11 **Section 1.** Section 18-1-404, MCA, is amended to read:

12 "18-1-404. Liability of state -- limitations -- costs.

13 (1) The state of Montana ~~shall be~~ is liable in respect to
14 any express contract entered into in the same manner and to
15 the same extent as a private individual under like
16 circumstances, except the state of Montana ~~shall be~~ is not be
17 liable for interest prior to or after judgment or for
18 punitive damages.

19 (2) Costs may be allowed as provided in 25-10-711. In
20 all other cases, costs ~~shall be~~ are allowed in all courts to
21 the successful claimant to the same extent as if the state
22 of Montana were a private litigant, except that ~~such~~ costs
23 ~~shall~~ may not include attorney's attorney fees."

-End-



INTRODUCED BILL
HB 872