

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 10, 1983

The twenty-fifth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on February 10, 1983 at 10:05 a.m. in Room 415, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 366: Senator Crippen, sponsor, advised that this bill is being introduced to clarify that uninsured motorist coverage may be excluded on vehicles other than those for which that insurance is actually purchased. A recent Supreme Court Decision (Jacobson v. Implement Dealers Ins. Co.) has made it necessary for the legislature to specifically address the "owned motor vehicle" exclusion.

PROPONENTS: Robert Minto, representing the Implement Dealers Mutual Insurance and also principle instigator of the bill draft, advised that when the mandatory financial responsibility law was adopted uninsured motorist coverage was not specifically addressed. He spoke at length about the Jacobson case and the insurance companies' common understanding of the law. Because of the Supreme Court decision in the Jacobson case there is a need to provide clarification of the legislature's intent when enacting the mandatory financial responsibility law as to whether or not they meant to include uninsured motorist coverage for which that coverage is on vehicles not specifically contracted. Written testimony was submitted for inclusion in these Minutes (Exhibit "A").

Representative Fabrega, co-sponsor of this bill, advised that when the legislature adopted the mandatory financial responsibility law, they had intended to include uninsured motorist coverage. He supported the passage of SB366 in order to clarify the previous law.

Glen Drake, representing American Insurance Association, endorsed the concept of this bill and stated it was attempting to cure an inequity.

David Bruck, representing Montana International Insurance, submitted his written testimony (Exhibit "B") and advised that the passage of SB366 would restore the common understanding that uninsured motorist insurance is to be included under the Montana Financial Responsibility law.

Pat Melby, representing the Alliance of American Insurers, acknowledged the previous testimony and emphasized his support for this bill.

Roger McGlenn, representing Independent Insurance Agents Association of Montana, also spoke as a proponent and stressed that legislative clarification is needed to clear up the confusion which led to the Jacobson decision (Exhibit "C").

Norma Seiffert, representing Montana Insurance Department, spoke as a proponent, and addressed the issue of the legislature's intent (Exhibit "D").

OPPONENTS: Terry Trieweler, an attorney from Whitefish, opposed the passing of SB366. He stated that uninsured motorist coverage is personal and portable and that people purchase this coverage for protection against injury by an insured.

There being no further proponents or opponents, the hearing was opened to questions from the Committee.

Chairman Turnage inquired as to why the correct section of the Code is not being amended through this bill. He suggested that the proper section to amend is 33-23-201 which deals with uninsured motorist coverage. Glen Drake advised that this was an oversight on his part and that he had not checked the section number. Chairman Turnage felt that the intent of this bill sweeps in all liability policies, and not just uninsured motorist coverage. He suggested that there could be "mischief" in SB366. Glen Drake reiterated that the only intent they had was to clarify the law as it relates to uninsured motorist coverage and that he would not object to the amending of the bill to show that intent.

Senator Mazurek also expressed concern that the drafter had amended the wrong section. He was advised that this section was chosen as it was the section which provided the limitations.

Chairman Turnage also felt that the bill deals with the family immunity doctrine. Robert Minto advised that they were not intending to exclude the family and children from coverage, they merely wanted to rectify the Jacobson decision. He favored amending the bill in any way.

Senator Crippen closed by stating he thought this was merely a housekeeping bill and he was surprised at the mischief arising out of it. His intent in carrying it was also to clarify the previous legislature's action in adopting the mandatory financial responsibility law.

There being no further discussion, the hearing was closed.

CONSIDERATION OF HOUSE BILL 369: Representative Sands advised that he was sponsoring this bill at the request of the Task Force on Corrections. The purpose of HB369 is to require that when a sentence is pronounced, the judge should clearly state his reasons for imposing that sentence. He advised that the Montana Canons of Judicial Ethics require that a judge state his reasons in controversial cases so as to avoid any conflicts in the future, and HB369 would adopt this same ethic.

There being no proponents or opponents present, the hearing was opened to questions from the Committee.

Senator Halligan wondered if a judge stated his reasons for imposing a sentence, if this would give the defendant an appealable element. He was advised that a defendant can always appeal to the sentence appeal board if he feels he's been treated unjustly.

ACTION ON HOUSE BILL 369: Senator Halligan moved HB369 BE CONCURRED IN. This motion passed with Senators Daniels, Mazurek and Shaw voting in opposition.

CONSIDERATION OF SENATE BILL 352: Senator Regan advised that she was sponsoring this bill at the request of the Foster Care Review Committee. Currently the review committee is comprised of a representative of the department, a representative of the youth court, a representative of a local school district and someone knowledgeable in the needs of children in foster care who is employed by any of the above. The review committee feels that the foster parent, if there is one, of the child whose care is under review, should be included in this committee as they are an important part.

There being no proponents or opponents present, and no questions from the Committee, the hearing was closed.

ACTION ON SENATE BILL 352: The Committee felt they were ready to consider executive action and Senator Berg moved SB352 DO PASS. This motion passed unanimously.

CONSIDERATION OF SENATE BILL 354: Senator Christiaens, sponsor, advised that this bill attempts to prioritise agister's and other liens over perfected security interests and other recorded liens. It would also provide for 30 days notice to the lienholder of record after completion of the work or service furnished. It was his opinion that this would bring the agister's lien more in line with reality and allow more time and better protection.

PROPOSERS: Bill Romine, representing the Recking Yards, reaffirmed the need for this legislation as the money should be paid only after the work is done.

There being no further proponents and no opponents, Senator Christiaens closed by stating the practical effects of extending time will assure all work is performed.

RECONSIDERATION OF SENATE BILL 225: SB225 had been sent back to the Committee for reconsideration. Senator Towe had proposed amendments. The Committee felt it should ask the Department of Institutions to comment on the proposed amendment and review Curt Chisholm's testimony from the February 1 hearing. The major concerns was for an early release of a voluntary commital. Senator Shaw stated the 10 days is an appropriate amount of time to detain a commital. Further consideration was deferred until a comment is received from the Department.

ACTION ON HOUSE BILL 307: The Chairman announced that the Committee was ready to consider executive action on HB307. Under the current sentencing statutes, a judge can defer or suspend a sentence and this should satisfy the Committee's concerns with the mandatory sentence requirement of the bill. Senator Daniels was still concerned with the small jails in Montana abusing a law such as this. The Committee concurred that this law should apply to city and county jails where there are five or more active participants but they should be excluded from Section 2 of the bill. Senator Shaw moved that page 2, line 16 should be amended by striking "or city or county jail." This motion passed with only Senator Galt voting in opposition. Senator Brown then moved that the title be amended to reflect this change by inserting the wording "and the crime of riot in a city or county jail" after the word "facility" in line 7. This motion passed unanimously. Senator Brown then moved that HB307 BE CONCURRED IN AS AMENDED. This motion passed unanimously.

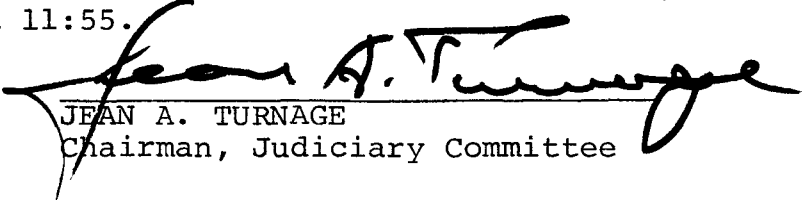
ACTION ON HOUSE BILL 53: New prepared amendments were distributed and the damages section was reviewed. Senator Galt moved to adopt the proposed amendments. This motion passed unanimously. Senator Mazurek then moved HB53 BE CONCURRED IN AS AMENDED. This motion passed with Senators Daniels and Shaw voting in opposition.

FURTHER CONSIDERATION OF SENATE BILL 351: The Committee discussed the exclusion of psychiatrists' subjective opinion at trial. Senator Halligan especially felt that an expert opinion as to mental condition is important for a jury to hear.

Senator Mazurek proposed amending the bill to limit expert testimony to the state of mind that is an element of the offense charged. He then moved to insert the wording "at the time the offense is committed" after the word "have" on page 3, line 2. This motion passed unanimously. The Committee also felt that all reference to mental health professional should be eliminated and "expert" reinserted. Senator Halligan moved to adopt the amendments as proposed. This motion passed unanimously. The Committee then deferred further consideration until a later date.

FURTHER CONSIDERATION OF SENATE BILL 225: Curt Chisholm of the Department of Institutions was present and addressed the issue of the amendment proposed on reconsideration of this bill. He had reviewed Senator Towe's suggested amendment and would like to compromise by allowing a 10 day detainment of those applicants who have only recently been admitted to the Institution. This would allow them more time to adequately evaluate and process these patients. The Department saw no problem with earlier release of patients who had been at the Institution for a longer period of time, as they will have had more time to evaluate them; however, it is essential that the newly admitted be accurately evaluated and this ten days will allow them to do that. His proposed amendment was distributed to the Committee for their review (Exhibit "E"). The Department's concern is with the initial admittance and adoption of this amendment would satisfy that problem. The Committee then deferred further consideration until a later date.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 11:55.


JEAN A. TURNAGE
Chairman, Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date 2-10-83

NAME	PRESENT	ABSENT	EXCUSED
Berg, Harry K. (D)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Daniels, M. K. (D)	✓		
Galt, Jack E. (R)	✓		
Halligan, Mike (D)	✓		
Hazelbaker, Frank W. (R)	✓		
Mazurek, Joseph P. (D)	✓		
Shaw, James N. (R)	✓		
Turnage, Jean A. (R)	✓		

Each day attach to minutes

HB369, SB's 352, 354 and 366

Judiciary

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
ROBERT J. PHILLIPS		S. 366	✓	
Robert W. Minkler Jr.	IMPLEMENT DEALERS MUT. INS.	S 366	✓	
Jerry Treweiler	Mont. Trial Lawyers	S 366		✓
Bill Romine	Wrecking Yards	SB 354	✓	
Glen Drake	American Ins. Ass'n	SB 366	✓	
Norman Seiffert	Mont. Ins. Dept	SB 366	✓	
Luna Lee Erickson	Mont. Ins. Dept	SB 366	✓	
James J. Hanna Jr.	Mont. Auto Dealers Assoc.	SB 354	✓	
Duke W. Decker	Montana Nat'l Ins. Agents Assoc. of Montana	SB 366	✓	
Roger McGLENN	ASSOC. OF MONTANA	SB 366	✓	
FAT MURBY	ALLIANCE OF AMERICAN INSURERS	SB 366	✓	
MAXINE HOMER	LWV			
Judy Snow	School Dist #1	(Observer)		
Junda Bick	School Dist #1	Observer		
Norma Vestre	SRS	SB 52		

(Please leave prepared statement with Secretary)

NAME: Norma E. Seuffert DATE: 2-10-83

ADDRESS: 204 Mitchell Bldg

PHONE: 449-2996

REPRESENTING WHOM? Northwestern Insurance Dept.

APPEARING ON WHICH PROPOSAL: SB 366

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: written statement left with committee

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: ROGER M. GLENN DATE: 2-10-83

ADDRESS: Box 5593 Helena MT. 59604

PHONE: 442-9555

REPRESENTING WHOM? INDEPENDENT INSURANCE AGENTS OF MT.

APPEARING ON WHICH PROPOSAL: SB-366

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: COPY LEFT WITH COMMITTEE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: PAT MELBY DATE: 2-10-83

ADDRESS: 723 GILBERT

PHONE: 442-7777

REPRESENTING WHOM? ALLIANCE OF AMERICAN INSURERS

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: ROBERT W. MINTO JR. DATE: _____

ADDRESS: P.O. BOX 4747

PHONE: 721 - 3400

REPRESENTING WHOM? IMPLEMENT DEALERS

APPEARING ON WHICH PROPOSAL: S.B. 366

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Written testimony submitted
to committee secretary

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY OF RAY CONGER, CPCU

I appear today as a proponent of Senate Bill 366. As an independent insurance agent, I am constantly concerned with providing stable and cost-effective insurance coverage to my customers.

With the Jacobson decision, the Montana Supreme Court created an uncertainty in the area of uninsured motorist coverage which, if unchecked, might ultimately cause uninsured motorist premiums to increase. As a person who has dealt with premium underwriting for many years, I can tell you that the insurance industry must respond to the imposition of the unknown risk created by Jacobson. The Supreme Court's action in invalidating the "owned uninsured vehicle exclusion" in Montana insurance policies has removed a primary factor that underwriters use in assessing the ratios of premium to risk. As a consumer and a consumer advocate, I find it fair that people should receive only the insurance benefits for which they have paid a premium and that such premium should be commensurate with their risks involved. I find it unfair that a court decision could potentially lead to uniform premiums for all insureds without regard to their individual, respective risk factors. Until the Jacobson decision, uninsured motorist coverage was understandable and fairly apportioned based on risk. By giving approval to Senate Bill 366, the Montana Legislature will return such fairness and understandability to uninsured motorist insurance. The status quo will be maintained and the Montana insurance-consuming public best served.

Please give favorable consideration to Senate Bill 366 and recommend that it do pass.

EXHIBIT "A"
February 10, 1983
Testimony of Robert W. Minto, Jr.

In the past several legislative sessions Montana has adapted and amended Mandatory Financial responsibility legislation now requiring owners of motor vehicles to carry general liability insurance in order to lawfully operate motor vehicles on the highways of our state. We have included in this law a requirement that an insurer must include in each insurance policy, uninsured motorist coverage. Such coverage provides that if an owner of an insured motor vehicle is involved in an accident with a motorist that is not insured, there will be coverage extended to the insured for any personal injuries sustained. The premium for this coverage in Montana generally runs between \$4.40 and \$12.00 per vehicle per year. By way of example, if you own four cars and have four drivers, you will pay between \$17.00 and \$48.00 per year for this coverage, while a person owning one car will pay between \$4.40 and \$12.00 for the same coverage. The logic being that you have four times a better chance of being involved in an accident with an uninsured motorist, then the one car owner would. This protection extends to you while driving your own insured vehicles or as a pedestrian, or while riding in or operating any vehicle that you may borrow or rent. Virtually every policy issued contains an "owned vehicle exclusion" which provides that the coverage will not be extended to accidents involving the named insured and members of his household if the accident involves an automobile owned by the insured or a member of his household, for which no uninsured motorist premium has been paid. This is simply because the premium level is determined by the number of insured vehicles. This type of exclusion existed in policies long before Montana adopted "mandatory" uninsured motorist "coverage".

When the legislature adopted the mandatory coverage, I am told its intention was to simply require people to have the coverage in its historic form. There is a provision in the law which permits an insured to reject uninsured motorist coverage, but it must be by an affirmative act of the insured.

In February 1982 the Montana Supreme Court issued an opinion in the case of Jacobson vs. Implement Dealers Mutual Insurance Company which construed our "Mandatory coverage requirement." The facts of the case simply are that Sammy Harlan owned two vehicles, a pickup truck, which he had insured with Implement Dealers Mutual and a semi-tractor trailer unit which he leased to Sammons Trucking and it was under their fleet insurance policy, which did not include uninsured motorist coverage. Prior to going to work for Sammons he had privately insured his semi-tractor and did carry uninsured motorist coverage. This policy he voluntarily cancelled upon contracting with Sammons. While operating his semi-tractor in the course of his occupation, he was involved in an accident with an uninsured motorist and was killed. In short, the court decided that since the coverage was mandatory in Montana and the legislature had not specifically authorized by legislation the policy exclusion for an "owned uninsured vehicle", that it was void and the coverage purchased on the pickup extended to the operation of the semi, even though the insurer had charged a premium only for one vehicle, the pickup and in fact didn't even know that the semi existed.

This decision has left the matter of uninsured motorist coverage in a state of limbo. It seems to say that an insured need only purchase uninsured motorist coverage on one vehicle. However, the law won't permit an insurer to issue a policy without the coverage even though it may be on additional vehicles, unless the coverage is specifically rejected by the insured. If the insured does reject the coverage on his additional vehicles the courts opinion seems clear that by his affirmative "waiver" the coverage won't exist on those vehicles. This leaves the issue up in the air, and the insurer and insured in a void in the case of vehicles insured under large fleet policies where uninsured motorist coverage has been rejected by the sponsor or in the case of vehicles not insured at all, in violation of the financial responsibility law.

In a conversation with Justice Weber subsequent to the decision, he indicated that he understood the dilemma the decision created but

that it was not the courts responsibility to create or correct legislation, but rather to interpret it. If the legislative intent was frustrated or complicated by the decision, it is proper for the legislature to provide clarifying legislation to rectify the problem. Justice Weber incidentally gave me his permission to attribute these comments in my testimony before this committee.

Senate Bill 366 is an act which rectifies the delema created by the courts decision. It addresses the specific problem in the law which the court addressed and returns the situation to the status quo. With passage of this bill there will be no increased cost to the insuring public and no unanticipated risks on the part of the insurers.

Thank you for your time and favorable consideration of this bill. I urge you to give Senate Bill 366 a "do pass" recommendation.

"A"
2-10-83

TESTIMONY OF DAVID BRUCK, C.I.C.

I am a principal in Montana International Insurance, an independent insurance agency here in Helena. In the interest of time, I will try not to repeat the testimony of those proponents who have preceeded me. However, I feel that I must emphasize that the passage of Senate Bill 366 should not be deemed to provide an advantage to insurance companies to the detriment of the consumer. The consumer is more likely to be adversely affected if the bill is not passed, as the insurance industry may well have to consider the additional risks that the Jacobson decision has exposed them to.

Determining the premium cost of the insurance coverage that each of us carries on our vehicles is a rather complex matter, as many different types of coverages and factors are involved. A simple example of how the uninsured motorist coverage might be computed may be helpful to you in considering this bill. Assume that there are 1000 insured vehicles in Montana and assume that there are 500 insured households. Also assume that the overhead expense of the insurer is \$1,000 and that the actuarily determined losses will be \$4,000 for the year. This means that if you compute the premium on the basis of insured vehicles you ~~take~~ the \$5,000 cost and divide it by 1000 to reach a premium of \$5.00

Continued



per vehicle, per year. This spreads the cost over the insuring public based on the amount of risk assumed. If insurers were forced to spread the risk according to the rationale of the Jacobson decision, using the same facts, the premium cost would be \$10.00 per household regardless of the number of cars and drivers in each household. This results in unfair spreading of the cost of uninsured motorist coverage because it bears no relation to the risk assumed.

Prior to the Jacobson decision, we in the insurance industry clearly understood the concept of uninsured motorist insurance as it related to Montana's Financial Responsibility Law, and as an agent, I would never have construed the law in the manner the Supreme Court did in Jacobson. Such a construction is inconsistent with common understanding and cannot be practically applied the way the Financial Responsibility Law in Montana is written. Senate Bill 366 properly addresses the problem and restores the common understanding of uninsured motorist insurance, making Montana Financial Responsibility law once again functional as it relates to uninsured motorist coverage.

I urge you to recommend to the Senate that Senate Bill 366 do pass.

"C"
2-10-83

REGARDING SENATE BILL NO. 366

To: The Senate Judiciary Committee
From: The Independent Insurance Agents' Association of Montana
Date: February 10, 1983
Re: Support for the passage of Senate Bill No. 366

The Independent Insurance Agents' Association of Montana would like to rise in support of Senate bill No. 366. We feel that legislative clarification is needed to clear up the confusion between the statute on uninsured motorist and the Jacobson case.

We would also like to point out, that without clarifying legislation, it is very difficult for agents in general to properly council clients with regard to the Jacobson opinion and the insurance of their vehicles. Clients that have read the newspaper reports, believe that they need only to purchase uninsured motorist coverage on one vehicle. The agent must then inform the client that to cancel coverage on other owned vehicles, the client must sign a waiver to reject coverage and after doing this there will be no coverage for that vehicle.

Passage of this bill will clear the confusion of the public and solve the problems created by the Jacobson opinion.

ROGER MCGLENN

REGARDING SENATE BILL 366

"D"
2-10-83

TO: The Senate Judiciary Committee

FROM: Senator Bruce Crippen

DATE: February 10, 1983

Senate Bill 366 addresses a problem with Montanas present mandatory uninsured motorist law, as found in M.C.A. Section 33-23-201, which arose as a result of a Montana Supreme Court decision (Jacobson-vs-Implement Dealers Insurance Company) construing that law. The court found the standard "owned uninsured vehicle "exclusion" to be invalid as a result of the lack of any statutory authority for such exclusion. Senate Bill 366 simply adds the "owned uninsured vehicles" exclusion to the list of permitted exclusion and limitation, thus returning the coverage issue to the status quo position prior to the Jacobson decision.

Senate Bill 366 is an appropriate response to the Jacobson decision because of the conflict that Jacobson created with the provision in M.C.A. 33-23-201 requiring insurers to include uninsured motorist coverage in each policy that they issue. It resolves the conflict by permitting the "owned insured vehicle" exclusion which is found in virtually every motor vehicle insurance policy written in Montana today.

Senate Bill 366 is the best solution to the delema created by Jacobson as it solves the problem without causing any additional expense to the insurance consuming public.

"D"
2-10-83

Part 2

Motor Vehicle Liability

33-23-201. Motor vehicle liability policies to include uninsured motorist coverage — rejection by insured. (1) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state, with respect to any motor vehicle registered or principally garaged in this state, unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in 61-6-103, under provisions filed with and approved by the commissioner, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom.

(2) The named insured shall have the right to reject such coverage. Unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

History: En. Sec. 1, Ch. 31, L. 1967; and, Sec. 2, Ch. 526, L. 1975; R.C.M. 1947, 40-4403.

PROBLEM ILLISTRATION
SENATE BILL 366

"D" 2-10-83

The following case situation is one illistration showing the delema and inequity created by the Montana Supreme courts decision in Jacobson vs Implement Dealers Mutual Insurance Company:

HOUSEHOLD #1

(2) family cars insured with uninsured motorist coverage (premium cost for uninsured motorist coverage \$5.00 per car \$10.00 total)

(1) semi-tractor-trailer leased to a common carrier and insured under the common carriers fleet policy (premium cost to insured for uninsured motorist coverage \$12.00 per year).

HOUSEHOLD #2

(2) family cars insured with uninsured motorist coverage (premium cost for uninsured motorist coverage \$5.00 per car \$10.00 total)

(1) Semi-tractor/trailer leased to a common carrier and insured under the common carriers fleet policy with uninsured motorist coverage rejected by the fleet sponsor.

Prior to the Jacobson decision (and if Senate Bill 366 becomes law) Insurers used the number and the class (personal vs commercial) of vehicles insured to determine the premium levels for uninsured motorist coverage. If an insured chose not to insure a vehicle, accidents involving the uninsured vehicle were not covered. Considering the above example, household #1 would have paid a premium of \$22.00 and had uninsured motorist coverage in any situation. Household #2 paid a premium of \$10.00 and had uninsured motorist coverage in every situation except for an accident in-

"D"
2-10-83

volving the uninsured semi-tractor-trailer.

With the Jacobson decision the court invalidated the "owned uninsured vehicle exclusion" and created the impression with the insuring public that they need only pay a premium based on one vehicle. If Household #2 chose to insure only one car they would pay a premium of \$5.00 for uninsured motorist coverage and would be afforded exactly the same uninsured motorist coverage under the Jacobson decision as Household #1 which insures all of its vehicles and paid an uninsured motorist premium of \$22.00.

Household #2 is afforded a windfall gain by virtue of its conscious choice to violate the financial responsibility act in leaving one of the cars totally uninsured and his semi-tractor-trailer covered only with liability insurance.

The insurers can't remedy the inequity by leveling the premiums to all insured because of the M.C.A. 33-23-201 requirement that uninsured motorist coverage be included in all policies.

Proposed by the Department of Institutions

SB 225

Amendments to SB 225, second reading copy:

1. Page 2, line 15
After the words "for release:"
Insert the following: "if written request for release is given
by the applicant within the first fifteen days of admission to
the facility, the facility has the right to detain the
applicant for no more than ten day excluding weekends and
holidays, past his written request for release."

STANDING COMMITTEE REPORT

.....February 10,..... 19.....83..

MR.**PRESIDENT**.....

We, your committee on**Judiciary**.....

having had under consideration**House**..... Bill No.**369**..

Sands (Halligan)

Respectfully report as follows: That.....**House**..... Bill No.**369**..

(Third Reading)

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

J.C.

STANDING COMMITTEE REPORT

February 14, 1983

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate** Bill No. **352**

Regan

Respectfully report as follows: That **Senate** Bill No. **352**

Introduced Bill

DO PASS

J.E.

STANDING COMMITTEE REPORT

February 10,

19 83

PRESIDENT

MR.

Judiciary

We, your committee on

House

having had under consideration Bill No. 307

Brand (Brown)

House

307

Respectfully report as follows: That..... Bill No.

third reading bill, be amended as follows:

1. Title, line 7.
Following: "FACILITY"
Insert: "AND THE CRIME OF RIOT IN A CITY OR COUNTY JAIL"
2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 1, line 23.
Following: "riot"
Insert: "by engaging in an act of violence"

And, as so amended,

BE CONCURRED IN

Continued on Page 2

XXXXXX
DO PASS

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4. Page 1, line 25.
Strike: "subject to imprisonment"
Insert: "imprisoned"
5. Page 2, line 16.
Strike: "OR CITY OR COUNTY JAIL"
6. Page 2, lines 16 and 17.
Strike: "subject to imprisonment"
Insert: "imprisoned"
7. Page 2.
Following: line 17.
Insert: "Section 3. Effective Date. This act is effective
on passage and approval."

And, as so amended,

BE CONCURRED IN

Handwritten initials

STANDING COMMITTEE REPORT

February 10, 19 83

MR. PRESIDENT

Judiciary

We, your committee on

having had under consideration House Bill No. 53

Bergene (Mazurek)

Respectfully report as follows: That House Bill No. 53

third reading bill, be amended as follows:

1. Title, lines 8 and 9.
Strike: "AND AMENDING SECTION 27-1-312, MCA"
Insert: "COORDINATING THE REMEDY OF DAMAGES WITH OTHER
REMEDIES"
2. Page 1, line 12.
Strike: "NEW SECTION"
3. Page 1, line 20.
Strike: "shall be"
Insert: "may be no more than"

Continued on Page 2

And, as so amended,
BE CONCURRED IN

XXXXXXX
DO PASS

M.C.

4. Page 1, line 22.
Strike: ", up to an amount not exceeding"
Insert: ". However, damages may not exceed"
5. Page 2, line 3.
Strike: "defendant"
Insert: "drawer"
6. Page 2, line 9.
Strike: subsection 4 in its entirety.
7. Page 2, line 12.
Strike: section 2 in its entirety.
Insert: "Section 2. Coordination with other remedies. The remedy provided by [section 1]:
 (1) may be pursued notwithstanding the provisions of 27-1-312;
 (2) may be pursued whether or not a criminal penalty is sought under 45-6-316 or any other statute providing a criminal penalty; and
 (3) does not affect the engagement of the drawer provided for in 30-3-413 to pay the amount of the draft. However, in case of any inconsistency between the provisions of Title 30, chapter 3, the provisions of [section 1] apply."
8. Page 2, line 18.
Strike: "NEW SECTION."

And, as so amended,

BE CONCURRED IN

4/6