

1 H BILL NO. 200
2 INTRODUCED BY Faber, Ramsey

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT 60
5 DAYS* NOTICE BE GIVEN TO THE DEFENDANT IN AN ACTION FOR
6 PROFESSIONAL NEGLIGENCE BEFORE A COMPLAINT MAY BE FILED."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Actions for professional negligence --
10 notice requirement. (1) No action based on the professional
11 negligence of the defendant may be commenced unless the
12 defendant has been given notice of the intention to commence
13 the action at least 60 days prior to the filing of the
14 complaint.

15 (2) No particular form of notice is required, but the
16 notice shall inform the defendant of the nature of the claim
17 and the amount of damages claimed, if known. The notice may
18 be served by certified mail or in the manner prescribed for
19 the service of process in M. R. Civ. P., Rule 40.

20 (3) If the notice is served within 60 days of the
21 expiration of the applicable statute of limitations, the
22 time for commencement of the action is extended 70 days from
23 the service of the notice.

-End-

HB200

INTRODUCED BILL

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 200
2 INTRODUCED BY FAGG, RAMIREZ
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT 60
5 DAYS' NOTICE BE GIVEN TO THE DEFENDANT IN AN ACTION FOR
6 PROFESSIONAL NEGLIGENCE BEFORE A COMPLAINT MAY BE FILED."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Actions for professional negligence --
10 notice requirement. (1) No action based on the professional
11 negligence of the defendant may be commenced unless the
12 defendant has been given notice of the intention to commence
13 the action at least 60 days prior to the filing of the
14 complaint.
15 (2) No particular form of notice is required, but the
16 notice shall inform the defendant of the nature of the claim
17 and the amount of damages claimed, if known. The notice may
18 be served by certified mail or in the manner prescribed for
19 the service of process in M. R. Civ. P., Rule 40.
20 (3) If the notice is served within 60 days of the
21 expiration of the applicable statute of limitations, the
22 time for commencement of the action is extended 70 days from
23 the service of the notice.
24 (4) FOR PURPOSES OF THIS ACT, PROFESSIONAL INCLUDES
25 THE FOLLOWING, DULY LICENSED OR OTHERWISE LEGALLY AUTHORIZED

1 WITHIN THE STATE OF MONTANA TO RENDER THEIR PROFESSIONAL
2 SERVICES:
3 (A) PHYSICIANS;
4 (B) OSTEOPATHS;
5 (C) REGISTERED NURSES;
6 (D) LICENSED PRACTICAL NURSES;
7 (E) DENTISTS;
8 (F) OPTOMETRISTS;
9 (G) PODIATRISTS;
10 (H) CHIROPRACTORS;
11 (I) ATTORNEYS;
12 (J) CERTIFIED PUBLIC ACCOUNTANTS;
13 (K) PUBLIC ACCOUNTANTS;
14 (L) ARCHITECTS;
15 (M) VETERINARIANS;
16 (N) PHARMACISTS; AND
17 (O) PROFESSIONAL ENGINEERS.

-End-

SECOND READING

HOUSE BILL NO. 200

INTRODUCED BY FAGG, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT 60 DAYS* NOTICE BE GIVEN TO THE DEFENDANT IN AN ACTION FOR PROFESSIONAL NEGLIGENCE BEFORE A COMPLAINT MAY BE FILED."

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

Section 1. Actions for professional negligence -- notice requirement. (1) No action based on the professional negligence of the defendant may be commenced unless the defendant has been given notice of the intention to commence the action at least 60 days prior to the filing of the complaint.

(2) No particular form of notice is required, but the notice shall inform the defendant of the nature of the claim and the amount of damages claimed, if known. The notice may be served by certified mail or in the manner prescribed for the service of process in M. R. Civ. P., Rule 40.

(3) If the notice is served within 60 days of the expiration of the applicable statute of limitations, the time for commencement of the action is extended 70 days from the service of the notice.

(4) FOR PURPOSES OF THIS ACT, PROFESSIONAL INCLUDES THE FOLLOWING, DULY LICENSED OR OTHERWISE LEGALLY AUTHORIZED

WITHIN THE STATE OF MONTANA TO RENDER THEIR PROFESSIONAL SERVICES:

- (A) PHYSICIANS;
(B) OSTEOPATHS;
(C) REGISTERED NURSES;
(D) LICENSED PRACTICAL NURSES;
(E) DENTISTS;
(F) OPTOMETRISTS;
(G) PODIATRISTS;
(H) CHIROPRACTORS;
(I) ATTORNEYS;
(J) CERTIFIED PUBLIC ACCOUNTANTS;
(K) PUBLIC ACCOUNTANTS;
(L) ARCHITECTS;
(M) VETERINARIANS;
(N) PHARMACISTS; AND
(O) PROFESSIONAL ENGINEERS.

-End-