

1 ^H BILL NO. 201
2 INTRODUCED BY Jully (by request)

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 93-2624, R.C.M. 1947, MAKING THE SECTION SPECIFICALLY
6 APPLICABLE TO PERSONS UNDER THE AGE OF MAJORITY."
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 93-2624, R.C.M. 1947, is amended to
10 read as follows:

11 "93-2624. Actions for medical malpractice. (1) Action
12 for injury or death against a physician or surgeon, dentist,
13 registered nurse, nursing home administrator, dispensing
14 optician, optometrist, licensed physical therapist,
15 podiatrist, psychologist, osteopath, chiropractor, clinical
16 laboratory bioanalyst, clinical laboratory technologists,
17 pharmacist, veterinarian, a licensed hospital or long-term
18 care facility as the employer of any such person, based upon
19 such person's alleged professional negligence, or for
20 rendering professional services without consent, or for
21 error or omission in such person's practice, shall be
22 commenced within ~~three~~(3) years after the date of injury or
23 ~~three~~(3) years after the plaintiff discovers, or through
24 the use of reasonable diligence should have discovered, the
25 injury whichever occurs last, but in no case may such action

1 be commenced after ~~five~~(5) years from the date of injury.
2 However, this time limitation shall be tolled for any period
3 during which such person has failed to disclose any act,
4 error, or omission upon which such action is based and which
5 is known to him, or through the use of reasonable diligence
6 subsequent to said act, error, or omission would have been
7 known to him.

8 ~~(2) Notwithstanding the provisions of 93-2703, this~~
9 ~~section applies to persons under the age of majority;~~
10 ~~however, in no event shall the time in which an action may~~
11 ~~be commenced begin to run against a minor until he reaches~~
12 ~~the age of 7 years. The time for commencement of actions~~
13 ~~shall also be tolled during any period a minor does not~~
14 ~~reside with a parent or guardian.~~

15 ~~(3) Notwithstanding any other provision of law, any~~
16 ~~action for injury or death as set forth above which occurred~~
17 ~~prior to July 1, 1977, shall be brought before July 1, 1979,~~
18 ~~or within the period of time described in subsections (1)~~
19 ~~and (2), whichever is longer."~~

-End-

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