

1 H BILL NO. 334
2 INTRODUCED BY Thorn

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE PLEADING
5 OF DAMAGES IN ACTIONS FOR PERSONAL INJURY OR WRONGFUL
6 DEATH."

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

9 Section 1. Claim not to be stated. In an action for
10 the recovery of money or damages for personal injury or
11 wrongful death, the amount thereof may not be stated in the
12 claim for relief, whether an original claim, counterclaim,
13 cross-claim, or third party claim.

14 Section 2. Request for statement of claim. When an
15 action is filed in the district court to recover damages for
16 personal injury or wrongful death, the parties against whom
17 the action is brought may at any time request a statement
18 setting forth the nature and amount of damages being sought.
19 The request shall be filed and served upon the claimant, who
20 shall file and serve a responsive statement as to damages
21 within 15 days thereafter. In the event that a response is
22 not served, the party on notice to the claimant who may
23 petition the court in which the action is pending to order
24 the claimant to serve a responsive statement.

25 Section 3. Claim made in certain circumstances. If no

1 request is made for such a statement setting forth the
2 nature and amount of damages being sought, the claimant
3 shall give notice to the defendant of the amount of special
4 and general damages sought to be recovered:
5 (1) before a default may be taken; or
6 (2) in the event an answer is filed, at least 45 days
7 prior to the date set for the trial.

-End-

Approved by Committee
on Judiciary

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SECTION 4. PERMISSIVE DELIVERY OF STATEMENT. A COPY
OF THE STATEMENT SETTING FORTH THE NATURE AND AMOUNT OF
DAMAGES BEING SOUGHT MAY BE DELIVERED TO THE DEFENDANT AT
THE TIME OF SERVICE OF THE SUMMONS AND COMPLAINT, BUT MAY
NOT BE FILED FOR 20 DAYS AFTER THE COMPLAINT IS FILED.

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SECOND READING

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April 2, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Judiciary

That House Bill No. 334, third reading, be amended as follows:

1. Amend page 2, section 3, line 6.

Following: ", "

Strike: "at least 45 days"

2. Amend page 2, section 4, lines 8 through 12.

Following: line 7

Strike: Section 4 in its entirety

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FINAL PRINTING

ADOPTED BY
 HOUSE OF REPRESENTATIVES
 AND SENATE

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