

1 H BILL NO. 590
 2 INTRODUCED BY William McDermott, Coe
 3 Ramirez, Clerk, Baugton

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PUNITIVE
 5 DAMAGES IN A CIVIL ACTION BASED ON A BAD CHECK OR OTHER
 6 ORDER AND TO PROVIDE FOR JURISDICTION OF SUCH ACTIONS IN
 7 JUSTICES', SMALL CLAIMS, AND MUNICIPAL COURTS; AMENDING
 8 SECTIONS 93-329 AND 93-408, R.C.M. 1947."
 9

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

11 Section 1. Damages in civil actions based on bad
 12 checks. In a civil action based on a check or other order
 13 issued or delivered in violation of 94-6-309, the plaintiff
 14 payee or endorser is entitled to recover, in addition to the
 15 face amount of the check or other order, damages in the
 16 following amounts:

- 17 (1) 100% of the face value of the check or other order
- 18 if such value is \$25 or less;
- 19 (2) \$25 if the face value of the check or other order
- 20 is more than \$25 but not more than \$50;
- 21 (3) 50% of the face value of the check or other order
- 22 if such value is more than \$50 but not more than \$100;
- 23 (4) \$50 if the face value of the check or other order
- 24 is more than \$100 but not more than \$200;
- 25 (5) 25% of the face value of the check or other order

INTRODUCED BILL

1 if such value is more than \$200.

2 Section 2. Section 93-329, R.C.M. 1947, is amended to
 3 read as follows:

4 "93-329. Jurisdiction. (1) The small claims court has
 5 original jurisdiction in all actions for damages based on
 6 bad checks and in all actions for the recovery of money or
 7 specific personal property when such action arises out of a
 8 contract, express or implied, and the amount of the claim,
 9 exclusive of costs, does not exceed one thousand five
 10 hundred dollars (\$1,500) and the defendant can be served
 11 within the county or counties for which the small claims
 12 court has been created. More than one (1) claim may be
 13 joined, if all claims joined would separately meet the
 14 requirements for jurisdiction in the small claims court and
 15 the total value of money claimed or property sought does not
 16 exceed one thousand five hundred dollars (\$1,500).

17 (2) A district court judge may require any action
 18 filed in district court to be removed to the small claims
 19 court, if the amount in controversy does not exceed one
 20 thousand five hundred dollars (\$1,500). The small claims
 21 court shall hear any action so removed from the district
 22 court."

23 Section 3. Section 93-408, R.C.M. 1947, is amended to
 24 read as follows:

25 "93-408. Jurisdiction of justices' courts. The justice

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1 courts have jurisdiction:

2 1. In actions arising on contract for the recovery of
3 money only, if the sum claimed does not exceed fifteen
4 hundred dollars (\$1500) exclusive of court costs;

5 2. In actions for damages not exceeding fifteen
6 hundred dollars (\$1500) exclusive of courts costs ~~for~~
7 ~~issuing or delivering bad checks or other orders;~~ for
8 taking, detaining, or injuring personal property; or for
9 injury to real property where no issue is raised by the
10 verified answer of defendant involving the title to or
11 possession of the same; in actions for damages not exceeding
12 fifteen hundred dollars (\$1500) exclusive of court costs for
13 injury to the person; provided, that in actions for false
14 imprisonment, libel, slander, criminal conversation,
15 seduction, malicious prosecution, bastardy, abduction, and
16 alienation of affections, the justice of the peace shall not
17 have jurisdiction;

18 3. In actions to recover the possession of personal
19 property, if the value of such property does not exceed
20 fifteen hundred dollars (\$1500);

21 4. In actions for a fine, penalty, or forfeiture, not
22 exceeding fifteen hundred dollars (\$1500), given by statute,
23 or the ordinance of an incorporated city or town, where no
24 issue is raised by the answer involving the legality of any
25 tax, impost, assessment, toll, or municipal fine;

1 5. In actions upon bonds or undertakings conditioned
2 for the payment of money, if the sum claimed does not exceed
3 fifteen hundred dollars (\$1500), though the penalty may
4 exceed that sum;

5 6. To take and enter judgment for the recovery of
6 money on the confession of a defendant, when the amount
7 confessed does not exceed fifteen hundred dollars (\$1500)
8 exclusive of court costs."

-End-

Approved by Committee on Judiciary

1 H BILL NO. 590
2 INTRODUCED BY *William McLean Sullivan*
3 *Ramirez Clarke Beugton*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PUNITIVE
5 DAMAGES IN A CIVIL ACTION BASED ON A BAD CHECK OR OTHER
6 ORDER AND TO PROVIDE FOR JURISDICTION OF SUCH ACTIONS IN
7 JUSTICES', SMALL CLAIMS, AND MUNICIPAL COURTS; AMENDING
8 SECTIONS 93-329 AND 93-403, R.C.M. 1947."

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

11 Section 1. Damages in civil actions based on bad
12 checks. In a civil action based on a check or other order
13 issued or delivered in violation of 94-6-309, the plaintiff
14 payee or endorser is entitled to recover, in addition to the
15 face amount of the check or other order, damages in the
16 following amounts:

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- 24 is more than \$100 but not more than \$200;
- 25 (5) 25% of the face value of the check or other order

SECOND READING

1 if such value is more than \$200.
2 Section 2. Section 93-329, R.C.M. 1947, is amended to
3 read as follows:

4 "93-329. Jurisdiction. (1) The small claims court has
5 original jurisdiction in all actions for damages based on
6 bad checks and in all actions for the recovery of money or
7 specific personal property when such action arises out of a
8 contract, express or implied, and the amount of the claim,
9 exclusive of costs, does not exceed one thousand five
10 hundred dollars (\$1,500) and the defendant can be served
11 within the county or counties for which the small claims
12 court has been created. More than one (1) claim may be
13 joined, if all claims joined would separately meet the
14 requirements for jurisdiction in the small claims court and
15 the total value of money claimed or property sought does not
16 exceed one thousand five hundred dollars (\$1,500).

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18 filed in district court to be removed to the small claims
19 court, if the amount in controversy does not exceed one
20 thousand five hundred dollars (\$1,500). The small claims
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23 Section 3. Section 93-403, R.C.M. 1947, is amended to
24 read as follows:

25 "93-403. Jurisdiction of justices' courts. The justice

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1 courts have jurisdiction:

2 1. In actions arising on contract for the recovery of
3 money only, if the sum claimed does not exceed fifteen
4 hundred dollars (\$1500) exclusive of court costs;

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6 hundred dollars (\$1500) exclusive of courts costs ~~for~~
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8 taking, detaining, or injuring personal property; or for
9 injury to real property where no issue is raised by the
10 verified answer of defendant involving the title to or
11 possession of the same; in actions for damages not exceeding
12 fifteen hundred dollars (\$1500) exclusive of court costs for
13 injury to the person; provided, that in actions for false
14 imprisonment, libel, slander, criminal conversation,
15 seduction, malicious prosecution, bastardy, abduction, and
16 alienation of affections, the justice of the peace shall not
17 have jurisdiction;

18 3. In actions to recover the possession of personal
19 property, if the value of such property does not exceed
20 fifteen hundred dollars (\$1500);

21 4. In actions for a fine, penalty, or forfeiture, not
22 exceeding fifteen hundred dollars (\$1500), given by statutes,
23 or the ordinance of an incorporated city or town, where no
24 issue is raised by the answer involving the legality of any
25 tax, impost, assessment, toll, or municipal fine;

1 5. In actions upon bonds or undertakings conditioned
2 for the payment of money, if the sum claimed does not exceed
3 fifteen hundred dollars (\$1500), though the penalty may
4 exceed that sum;

5 6. To take and enter judgment for the recovery of
6 money on the confession of a defendant, when the amount
7 confessed does not exceed fifteen hundred dollars (\$1500)
8 exclusive of court costs."

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1 H BILL NO. 590
 2 INTRODUCED BY William Malone Sullivan League
 3 Ramirez Clerk Baugman

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 5 DAMAGES IN A CIVIL ACTION BASED ON A BAD CHECK OR OTHER
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23 Section 3. Section 93-408, R.C.M. 1947, is amended to
 24 read as follows:

25 "93-408. Jurisdiction of justices' courts. The justice

1 courts have jurisdiction:

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3 money only, if the sum claimed does not exceed fifteen
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8 exclusive of court costs."

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