H BILL NO. 590 illians A Midene Sul, Tang ming Deke Bengtin 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PUNITIVE 4 DAMAGES IN A CIVIL ACTION BASED ON A BAD CHECK OR OTHER 5 ORDER AND TO PROVIDE FOR JURISDICTION OF SUCH ACTIONS IN 6 JUSTICES', SMALL CLAIMS, AND MUNICIPAL COURTS; AMENDING 7 SECTIONS 93-329 AND 93-408+ R.C.M. 1947." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Damages in civil actions based on bad 11 12 checks. In a civil action based on a check or other order issued or delivered in violation of 94-6-309, the plaintiff 13

payee or endorser is entitled to recover, in addition to the face amount of the check or other order, damages in the 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;

(3) 50% of the face value of the check or other order
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 original jurisdiction in all actions for damages based on 5 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

HB590

1 courts have jurisdiction:

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

2. In actions for damages not exceeding fifteen 5 hundred dollars (\$1500) exclusive of courts costs for 6 issuing or delivering bad checks or other orders: for 7 taking, detaining, or injuring personal property; or for 8 9 injury to real property where no issue is raised by the 10 verified answer of defendant involving the title to or possession of the same; in actions for damages not exceeding 11 12 fifteen hundred dollars (\$1500) exclusive of court costs for injury to the person; provided, that in actions for false 13 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);

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

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

5 6. To take and enter judgment for the recovery of 5 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

H BILL NO. 590 1 William Midme a INTRODUCED BY 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PUNITIVE DAMAGES IN A CIVIL ACTION BASED ON A BAD CHECK OR OTHER 5 ORDER AND TO PROVIDE FOR JURISDICTION OF SUCH ACTIONS IN 6 JUSTICES*, SMALL CLAIMS, AND MUNICIPAL COURTS; AMENGING 7 SECTIONS 93-329 AND 93-403+ R.C.M. 1947.* 8 9 BE IT ENACTED BY THE LEGISLATURE DE THE STATE OF MONTANA: 10 Section 1. Damages in civil actions based on bad 11 checks. In a civil action based on a check or other order 12 issued or delivered in violation of 94-6-309, the plaintiff 13 payee or endorser is entitled to recover, in addition to the 14 15 face amount of the check or other order, damages in the 15 following amounts: (1) 100% of the face value of the check or other order 17 1.5 if such value is \$25 or less; (2) \$25 if the face value of the check or other order 19 is more than \$25 out not more than \$50; 20 (3) 50% of the face value of the check or other order 21 22 if such value is more than \$50 but not more than +130; 23 (4) \$50 if the face value of the check or other order 24 is more than \$100 but not more than \$200; (5) 25% of the face value of the check or other proer 25

SECOND READING

1 if such value is more than \$200.

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

4 "93-329. Jurisdiction. (1) The small claims court has 5 original jurisdiction in all actions for damages based on bad checks and in all actions for the recovery of money or 6 7 specific personal property when such action arises out of a 8 contract, express or implied, and the amount of the claim, q exclusive of costs, does not exceed one thousand five 10 hundred dollars (\$1,500) and the defendant can be sarved 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 requirements for jurisdiction in the small claims court and 14 15 the total value of money claimed or property sought does not 16 exceed one thousand five hundred dollars (\$1,500). (2) A district court judge may require any action 17 13 filed in district court to be removed to the small claims

court, if the amount in controversy does not exceed one 19 20 thousand five hundred dollars (\$1,500). The small claims court shall hear any action so removed from the district 21 22 court."

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

25 *93-40%. Jurisdiction of justices* courts. The justice

-2-

118590

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 hundred dollars (\$1500) exclusive of courts costs for 6 7 issuing or delivering bad checks or other orders; for а 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 fifteen hundred dollars (\$1500) exclusive of court costs for 12 injury to the person; provided, that in actions for false 13 imprisonment, libel, slander, criminal conversation, 14 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 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; 5. In actions upon bonds or undertakings conditioned
 for the payment of money: if the sum claimed does not exceed
 fifteen hundred dollars (\$1500): though the penalty may
 exceed that sum;

5 6. To take and enter judgment for the racovery 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-

1 <u>H</u> BILL NO. <u>5.70</u> 2 INTRODUCED BY <u>*Hillians*</u> Man Jul, <u>Cangue</u> 3 <u>A BILL FOR AN ACT ENTITLED:</u> "AN ACT TO PROVIDE FOR PUNITIVE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PUNITIVE
DAMAGES IN A CIVIL ACTION BASED ON A BAD CHECK OR DTHER
ORDER AND TO PROVIDE FOR JURISDICTION OF SUCH ACTIONS IN
JUSTICES*, SMALL CLAIMS, AND MUNICIPAL COURTS; AMENDING
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 \$130;

(4) \$50 if the face value of the check or other order
is more than \$100 but not more than \$200;

25 (5) 25% of the face value of the check or other order

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:

"93-329. Jurisdiction. (1) The small claims court has 5 original jurisdiction in all actions for damages based on bad checks and in all actions for the recovery of money or 6 7 specific personal property when such action arises out of a contract, express or implied, and the amount of the claim, 8 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 court has been created. More than one (1) claim may be 12 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

-7-

はいりつ

THIRD READING

1 courts have jurisdiction:

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

2. In actions for damages not exceeding fifteen 5 hundred dollars (\$1500) exclusive of courts costs for 6 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 verified answer of defendant involving the title to or 10 possession of the same; in actions for damages not exceeding 11 12 fifteen hundred dollars (\$1500) exclusive of court costs for injury to the person; provided, that in actions for false 13 14 imprisonment, libel, slander, criminal conversation, seduction, malicious prosecution, bastardy, abduction, and 15 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);

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

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

-3-