

STATE OF MONTANA

REQUEST NO. 538-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 293 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Increases the fee charged by the Commissioner of Insurance when served with copies of legal process.

ASSUMPTIONS:

1. Proposed legislation will not increase operating costs of the Office of Commissioner of Insurance.
2. 110 legal processes will be served on the Commissioner of Insurance.

FISCAL IMPACT:

The proposed legislation will increase revenue to the state General Fund as follows:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Filing legal processes	<u>\$770</u>	<u>\$770</u>	<u>\$1,540</u>

Richard L. Drayton
 BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77

Approved by Committee
on Business and Industry

1 Senate BILL NO. 293
2 INTRODUCED BY NELSON
3 BY REQUEST OF THE INSURANCE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEE
6 CHARGED BY THE COMMISSIONER OF INSURANCE WHEN SERVED WITH
7 COPIES OF LEGAL PROCESS; AMENDING SECTION 40-2819, R.C.M.
8 1947."

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

11 Section 1. Section 40-2819, R.C.M. 1947, is amended to
12 read as follows:

13 "40-2819. Serving process -- time to plead.

14 (1) Duplicate copies of legal process against an insurer
15 for whom the commissioner is attorney pursuant to section
16 40-2818, shall be served upon the commissioner, or upon his
17 deputy or other person in charge of his office during his
18 absence. At the time of service the plaintiff shall pay to
19 the commissioner ~~three dollars (\$3)~~ \$10, taxable as costs in
20 the action. Upon receiving such service the commissioner
21 shall promptly forward a copy thereof by certified or
22 registered mail to the person last so designated by the
23 insurer to receive the same.

24 (2) Where process is served upon the commissioner as
25 an insurer's attorney, the insurer shall have thirty (30)

1 days within which to appear, answer, or plead after date of
2 mailing of the copy thereof by the commissioner, exclusive
3 of date of mailing, as provided by subsection (1).
4 (3) Process served upon the commissioner and copy
5 thereof forwarded as in this section provided shall
6 constitute service thereof upon the insurer."

-End-

1 SENATE BILL NO. 293
 2 INTRODUCED BY NELSON
 3 BY REQUEST OF INSURANCE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEE
 6 CHARGED BY THE COMMISSIONER OF INSURANCE WHEN SERVED WITH
 7 COPIES OF LEGAL PROCESS; AMENDING SECTION 40-2819, R.C.M.
 8 1947."

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

11 Section 1. Section 40-2819, R.C.M. 1947, is amended to
 12 read as follows:

13 "40-2819. Serving process -- time to plead.

14 (1) Duplicate copies of legal process against an insurer
 15 for whom the commissioner is attorney pursuant to section
 16 40-2818, shall be served upon the commissioner, or upon his
 17 deputy or other person in charge of his office during his
 18 absence. At the time of service the plaintiff shall pay to
 19 the commissioner ~~three dollars-(13)~~ \$10, taxable as costs in
 20 the action. Upon receiving such service the commissioner
 21 shall promptly forward a copy thereof by certified or
 22 registered mail to the person last so designated by the
 23 insurer to receive the same.

24 (2) Where process is served upon the commissioner as
 25 an insurer's attorney, the insurer shall have thirty (30)

1 days within which to appear, answer, or plead after date of
 2 mailing of the copy thereof by the commissioner, exclusive
 3 of date of mailing, as provided by subsection (1).

4 (3) Process served upon the commissioner and copy
 5 thereof forwarded as in this section provided shall
 6 constitute service thereof upon the insurer."

-End-