

HOUSE BILL 389

IN THE HOUSE

January 24, 1979

Introduced and referred to
Committee on Judiciary.

January 31, 1979

Committee recommend bill,
do not pass.

February 1, 1979

Report adopted. Objection.

February 2, 1979

Printed and placed on members'
desks.

February 5, 1979

Second reading, do not pass.

House BILL NO. 389

2 INTRODUCED BY *Jeff Bell - Senator*
3 *Gentleman Senator Frank W. H. Anderson*
4 *First Convenor*
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
6 LIMITATION ON THE AMOUNT OF RECOVERY A CLAIMANT IS ENTITLED
7 TO IN A CIVIL ACTION AGAINST THE PARENTS OF A MINOR CHILD;
8 AMENDING SECTIONS 40-6-237 AND 40-6-238, HCA."

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

10 Section 1. Section 40-6-237, MCA, is amended to read:
11 "40-6-237. Destruction of property by minor --
12 liability of parents. Any municipal corporation, county,
13 city, town, school district, or department of the state of
14 Montana, any person, or any religious organization whether
15 incorporated or unincorporated is entitled to recover
16 damages in a civil action in an amount not to exceed \$1,500
17 in a court of competent jurisdiction from the parents of any
18 person under the age of 18 years, living with the parents,
19 who shall maliciously or willfully destroy property, real,
20 personal, or mixed, belonging to such municipal corporation,
21 county, city, town, school district, department of the state
22 of Montana, person, or religious organization."

23 Section 2, Section 40-6-238, MCA, is amended to read:

24 "40-6-238. Limitation on amount of recovery. The

25 recovery shall be limited to the actual damages in an amount

1 not-to-exceed-\$1,500 in addition to taxable court costs and
2 a reasonable attorney's fee to be set by the court-not-to
3 exceed-\$100. The right to recover attorney fees as provided
4 by this section is limited to a person bringing an action
5 under 40-6-237.*

-End-

HB 389
INTRODUCED BILL

Committee
on Judiciary

Objection Raised to
Adverse Committee Report

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2 INTRODUCED BY Kelly Ellis - Keyser Long
3 Senate Senate Senate Senate Senate
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20 personal, or mixed, belonging to such municipal corporation,
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23 Section 2. Section 40-6-238, MCA, is amended to read:

24 "40-6-238. Limitation on amount of recovery. The

25 recovery shall be limited to the actual damages in an amount

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4 by this section is limited to a person bringing an action
5 under 40-6-237."

-End-