

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*

INTRODUCED BY

*Kelly Miller - Hayden Long*  
*Bartlett Livingston Zachary Wetherill Anderson*  
*L. Hirsch Conway*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE  
LIMITATION ON THE AMOUNT OF RECOVERY A CLAIMANT IS ENTITLED  
TO IN A CIVIL ACTION AGAINST THE PARENTS OF A MINOR CHILD;  
AMENDING SECTIONS 40-6-237 AND 40-6-238, MCA."

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

Section 1. Section 40-6-237, MCA, is amended to read:

"40-6-237. Destruction of property by minor —  
liability of parents. Any municipal corporation, county,  
city, town, school district, or department of the state of  
Montana, any person, or any religious organization whether  
incorporated or unincorporated is entitled to recover  
damages in a civil action ~~in an amount not to exceed \$17,500~~  
in a court of competent jurisdiction from the parents of any  
person under the age of 18 years, living with the parents,  
who shall maliciously or willfully destroy property, real,  
personal, or mixed, belonging to such municipal corporation,  
county, city, town, school district, department of the state  
of Montana, person, or religious organization."

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

"40-6-238. Limitation on amount of recovery. The  
recovery shall be limited to the actual damages ~~in an amount~~

~~not to exceed \$17,500~~ in addition to taxable court costs and  
a reasonable attorney's fee to be set by the court ~~not to~~  
~~exceed \$100~~. The right to recover attorney fees as provided  
by this section is limited to a person bringing an action  
under 40-6-237."

-End-

Committee on Judiciary

Objection Raised to Adverse Committee Report

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*HOUSE* BILL NO. *389*

INTRODUCED BY *Richard Ellis - Hayden Long*  
*Ortelson Linneman* *Scott Wirth* *Robert Anderson*  
*Michael Conway*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE LIMITATION ON THE AMOUNT OF RECOVERY A CLAIMANT IS ENTITLED TO IN A CIVIL ACTION AGAINST THE PARENTS OF A MINOR CHILD; AMENDING SECTIONS 40-6-237 AND 40-6-238, MCA."

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

Section 1. Section 40-6-237, MCA, is amended to read:

"40-6-237. Destruction of property by minor — liability of parents. Any municipal corporation, county, city, town, school district, or department of the state of Montana, any person, or any religious organization whether incorporated or unincorporated is entitled to recover damages in a civil action ~~in an amount not to exceed \$1,500~~ in a court of competent jurisdiction from the parents of any person under the age of 18 years, living with the parents, who shall maliciously or willfully destroy property, real, personal, or mixed, belonging to such municipal corporation, county, city, town, school district, department of the state of Montana, person, or religious organization."

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

"40-6-238. Limitation on amount of recovery. The recovery shall be limited to the actual damages ~~in an amount~~

1  
2  
3  
4  
5

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

-End-