

HOUSE BILL 726

IN THE HOUSE

February 10, 1979

Introduced and referred to  
Committee on Judiciary.

February 16, 1979

Committee recommend bill, do  
not pass.

February 17, 1979

Report adopted.

1 House BILL NO. 726  
2 INTRODUCED BY BURNETT

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SPECIFICALLY PROVIDE  
5 IMMUNITY FROM SUIT FOR DAMAGES IN CERTAIN CASES FOR LOCAL  
6 GOVERNMENT UNITS."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Immunity from suit for local government  
10 units. A local government unit or its employees acting  
11 within the scope of their office and employment are immune  
12 from liability for any claim that arises out of:

13 (1) any act or omission of any employee of a local  
14 government unit exercising due care in the execution of a  
15 statute or regulation, whether or not the statute or  
16 regulation be valid, or based upon the exercise or  
17 performance or the failure to exercise or perform a  
18 discretionary function or duty on the part of a governmental  
19 entity or employee thereof, whether or not the discretion be  
20 abused;

21 (2) the assessment or collection of any tax or fee or  
22 the detention of any goods or merchandise by any law  
23 enforcement officer;

24 (3) the imposition or establishment of a quarantine by  
25 a local government unit, whether such quarantine relates to

1 persons or property;  
2 (4) assault, battery, abuse of process,  
3 misrepresentation, deceit, interference with contract  
4 rights, or inverse condemnation; however, the immunity  
5 provided in this subsection applies only to the governmental  
6 entity and does not immunize officers and employees from  
7 personal liability for intentional torts or crimes committed  
8 in the scope of their office or employment;

9 (5) or results from riots, unlawful assemblies, public  
10 demonstrations, mob violence and civil disturbances, or out  
11 of any act or omission in connection with the prevention of  
12 any of the foregoing;

13 (6) a plan or design for construction or improvement  
14 to the highways, roads, streets, bridges, buildings, or  
15 other public property where such plan or design is prepared  
16 in conformity with standards in effect at the time of  
17 construction, previously approved in advance of the  
18 construction or approved by the legislative body of the  
19 local government unit or by some other body or  
20 administrative agency exercising discretion by authority to  
21 give such approval;

22 (7) injury to or death of any person engaged in an  
23 activity that is covered by the workers' compensation law;

24 (8) the natural condition of any unimproved public  
25 property, whether or not such property is located in a park

1 or recreation area or on a highway, road, or street  
2 right-of-way;

3 (9) a circumstance where the local government unit, if  
4 a private person, would not be liable to the claimant for  
5 such damages under the laws of this state;

6 (10) the activity of a local government unit when  
7 engaged in firefighting or when engaged in rescue and  
8 evacuation activities or when engaged in activities  
9 responding to an emergency or disaster;

10 (11) personal injury or property damage incurred before  
11 July 2, 1973;

12 (12) the operation or ownership of hospitals, nursing  
13 homes, or any other health care facilities; or the operation  
14 or ownership of airports or of public transportation  
15 equipment or facilities; or

16 (13) the promotion or operation of any commercial  
17 fairs, county fairs and carnivals, political or civic  
18 gatherings, or other public gatherings of a similar nature.

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