

SENATE BILL 261

IN THE SENATE

January 26, 1979	Introduced and referred to Committee on Judiciary.
January 29, 1979	Fiscal note requested.
February 2, 1979	Fiscal note returned.
February 10, 1979	Committee recommend bill, as amended.
February 12, 1979	Printed and placed on members' desks.
February 13, 1979	Second reading, do pass.
February 14, 1979	Considered correctly engrossed.
February 15, 1979	Third reading (Mt. Constitution, sect. 18 requires 2/3rds vote of the Senate), not passed 33A - 17N
February 16, 1979	On motion, Senate reconsider its action taken on third reading previous Legislative Day. Motion adopted. (Mt. Constitution, sect. 18 requires 2/3rds vote of the Senate. Passed 34A - 16N

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Judiciary.
March 9, 1979	Committee recommend bill, not concurred.
March 10, 1979	Objection.
March 13, 1979	Second reading, concurred.
March 15, 1979	Third reading, not concurred.

IN THE SENATE

March 16, 1979	Returned from House, not concurred.
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March 17, 1979

On motion, request of House granted for return of Senate Bill 251 for further consideration.

IN THE HOUSE

March 19, 1979

On motion of March 16, 1979, bill requested returned from Senate to reconsider previous action.

March 20, 1979

Third reading, not concurred. 61A - 37N

IN THE SENATE

March 21, 1979

Returned from House, not concurred.

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Sense BILL NO. *261*
Turnage *Badano* *Hind*
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE SOVEREIGN
IMMUNITY FROM LIABILITY RESULTING FROM THE DESIGN,
CONSTRUCTION, MAINTENANCE, AND IMPROVEMENT OF PUBLIC
HIGHWAYS AND FROM DANGEROUS SURFACE CONDITIONS CAUSED BY
WEATHER."

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

Section 1. Limitation on governmental liability for
certain damages related to public highways. Neither the
state, a county, a municipality, a taxing district, nor any
other political subdivision of the state is liable in tort
action for personal injury, including death, or property
damage arising out of the plan, design, maintenance, or
improvement of a public highway, road, street, or bridge or
arising out of dangerous surface conditions due to weather
conditions.

-End-

INTRODUCED BILL
SB 261

STATE OF MONTANA

REQUEST NO. 171-79

FISCAL NOTE

Form BD-15

In compliance with a written request received Jan 27, 19 79, there is hereby submitted a Fiscal Note for SB 261 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

This bill reinstates sovereign immunity from liability resulting from the design, construction, maintenance, and improvement of public highways including dangerous surface conditions caused by weather.

ASSUMPTIONS

1. The state will average six Error & Omission cases per year totaling \$15,000,000.00 in prayed damages.
2. Defense costs will average approximately \$72,000.00 per year.
3. Although no detailed loss estimates are possible for personal injury claims, it is not unreasonable to assume average annual losses of \$250,000.00
4. Approximately 100 property damage claims will be filed annually alleging improper road maintenance.
5. Average cost for adjustment and settlement per maintenance claim will be approximately \$250.00.

FISCAL IMPACT

	<u>FY 1980</u>	<u>FY 1981</u>
Reduced defense costs under proposed law.	(\$ 72,000.00)	(\$ 72,000.00)
Reduced claims and settlements under proposed law	<u>(\$275,000.00)</u>	<u>(\$275,000.00)</u>
Total Decrease	<u>(\$347,000.00)</u>	<u>(\$347,000.00)</u>

The decreased costs affect the Bond Proceeds and Insurance Clearance Fund.

TECHNICAL NOTE

Under present law liability of the state is limited to \$300,000.00 per person up to \$1,000,000.00 per occurrence.

AFFECT ON LOCAL GOVERNMENT

1. Reduction in liability insurance premiums.
2. Liability insurance will be more available.

Richard L. Drury for

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/2/79

Approved by Committee
on Judiciary

1 SENATE BILL NO. 261

2 INTRODUCED BY TURNAGE, BARDANOUVE, HIMSL

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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SB 261
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SB 261
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SB 261
REFERENCE BILL