

Senate Bill 438

In The Senate

February 11, 1981	Introduced and referred to Committee on Labor and Employment Relations.
February 19, 1981	Committee recommend bill do pass.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading pass consideration.
February 23, 1981	Second reading pass consideration.
	On motion taken from second reading and referred to Committee on Judiciary. Motion adopted.
April 23, 1981	Died in Committee.

1 *Senate* BILL NO. *438*  
 2 INTRODUCED BY *Mike Anderson*

3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE PENALTIES,  
 6 COURT COSTS, AND ATTORNEY FEES DISCRETIONARY RATHER THAN  
 7 MANDATORY IN CASES INVOLVING WAGE DISPUTES; AMENDING  
 8 SECTIONS 39-3-206 AND 39-3-214, MCA."

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

11 Section 1. Section 39-3-206, MCA, is amended to read:

12 "39-3-206. Penalty for failure to pay wages at times  
 13 specified in law. Any employer, as such employer is defined  
 14 in this part, who fails to pay any of his employees as  
 15 provided in this part or violates any other provision of  
 16 this part shall be guilty of a misdemeanor. A penalty ~~shall~~  
 17 ~~may~~ also be assessed against and paid by such employer and  
 18 become due such employee as follows: a sum equivalent to the  
 19 fixed amount of 5% of the wages due and unpaid ~~shall~~ ~~may~~ be  
 20 assessed for each day, except Sundays and legal holidays,  
 21 upon which such failure continues after the day upon which  
 22 such wages were due, except that such failure shall not be  
 23 deemed to continue more than 20 days after the date such  
 24 wages were due."

25 Section 2. Section 39-3-214, MCA, is amended to read:

1 "39-3-214. Court costs and attorneys' fees. (1)  
 2 Whenever it is necessary for the employee to enter or  
 3 maintain a suit at law for the recovery or collection of  
 4 wages due as provided for by this part, a resulting judgment  
 5 ~~must~~ ~~may~~ include a reasonable attorney's fee in favor of the  
 6 successful party, to be taxed as part of the costs in the  
 7 case.

8 (2) Any judgment for the plaintiff in a proceeding  
 9 pursuant to this part ~~must~~ ~~may~~ include all costs reasonably  
 10 incurred in connection with the proceeding, including  
 11 attorneys' fees.

12 (3) If the proceeding is maintained by the  
 13 commissioner, no court costs or fees are required of him nor  
 14 is he required to furnish any bond or other security that  
 15 might otherwise be required in connection with any phase of  
 16 the proceeding."

-End-

Approved by Committee  
on Labor & Employment  
Relations

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*Mike Anderson*

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8 (2) Any judgment for the plaintiff in a proceeding  
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13 commissioner, no court costs or fees are required of him nor  
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