

SENATE BILL NO. 468

INTRODUCED BY TOWE, COZZENS, M. ANDERSON, MAZUREK
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

February 13, 1981	Introduced and referred to Committee on Judiciary.
February 19, 1981	Committee recommend bill do pass. Report adopted.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Motion pass consideration.
February 23, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on Judiciary.
March 28, 1981	Committee recommend bill be concurred in. Report adopted.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on the 71st legislative day. Motion adopted.
March 31, 1981	Second reading, concurred in. On motion rules suspended and bill placed on third reading this day. Third reading, concurred in. Ayes, 89; Noes, 7.

IN THE SENATE

April 1, 1981

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Bill No. 468*
 2 INTRODUCED BY *Sen. Cooper* *Sen. Anderson* *Sen. Mazurek*
 3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE THE MAXIMUM
 6 JURISDICTIONAL AMOUNT IN CIVIL CASES IN JUSTICES' COURTS TO
 7 \$3,500; AMENDING SECTIONS 3-10-301 and 25-31-506, MCA."

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

10 Section 1. Section 3-10-301, MCA, is amended to read:

11 "3-10-301. Civil jurisdiction. (1) Except as provided
 12 in subsection (2) and in 3-11-103, the justices' courts have
 13 jurisdiction:

14 (a) in actions arising on contract for the recovery of
 15 money only if the sum claimed does not exceed ~~\$1,500~~ \$3,500,
 16 exclusive of court costs;

17 (b) in actions for damages not exceeding ~~\$1,500~~
 18 \$3,500, exclusive of court costs, for taking, detaining, or
 19 injuring personal property or for injury to real property
 20 when no issue is raised by the verified answer of the
 21 defendant involving the title to or possession of the real
 22 property;

23 (c) in actions for damages not exceeding ~~\$1,500~~
 24 \$3,500, exclusive of court costs, for injury to the person,
 25 except that, in actions for false imprisonment, libel,

1 slander, criminal conversation, seduction, malicious
 2 prosecution, determination of paternity, and abduction, the
 3 justice of the peace does not have jurisdiction;

4 (d) in actions to recover the possession of personal
 5 property if the value of the property does not exceed ~~\$1,500~~
 6 \$3,500;

7 (e) in actions for a fine, penalty, or forfeiture not
 8 exceeding ~~\$1,500~~ \$3,500, imposed by a statute or an
 9 ordinance of an incorporated city or town when no issue is
 10 raised by the answer involving the legality of any tax,
 11 impost, assessment, toll, or municipal fine;

12 (f) in actions upon bonds or undertakings conditioned
 13 for the payment of money when the sum claimed does not
 14 exceed ~~\$1,500~~ \$3,500, though the penalty may exceed that
 15 sum;

16 (g) to take and enter judgment for the recovery of
 17 money on the confession of a defendant when the amount
 18 confessed does not exceed ~~\$1,500~~ \$3,500, exclusive of court
 19 costs.

20 (2) Justices' courts do not have jurisdiction in civil
 21 actions that might result in a judgment against the state
 22 for the payment of money."

23 Section 2. Section 25-31-506, MCA, is amended to read:

24 "25-31-506. Compulsory counterclaim. If the defendant
 25 omits to set up a counterclaim in the cases mentioned in

LC 1428/01

1 25-31-505, neither he nor his assignee can afterward
2 maintain an action against the plaintiff therefor. If the
3 counterclaim exceeds ~~\$300~~ \$3,500, he need not set it up."

-End-

Approved by Committee on Judiciary

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2 INTRODUCED BY *Sen. Cooper* *Sen. Anderson* *Mr. Zych*
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24 "25-31-506. Compulsory counterclaim. If the defendant
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THIRD READING
 SB 468

LC 1428/01

1 25-31-505, neither he nor his assignee can afterward
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(c) in actions for damages not exceeding \$1,500 \$3,500, exclusive of court costs, for injury to the person, except that, in actions for false imprisonment, libel,

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(2) Justices' courts do not have jurisdiction in civil actions that might result in a judgment against the state for the payment of money."

Section 2. Section 25-31-506, MCA, is amended to read:

"25-31-506. Compulsory counterclaim. If the defendant omits to set up a counterclaim in the cases mentioned in

1 25-31-505, neither he nor his assignee can afterward
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3 counterclaim exceeds ~~\$300~~ \$3,500, he need not set it up."

-End-