

HOUSE BILL NO. 722

2/08 Introduced  
2/08 Referred to Judiciary  
2/19 Hearing  
2/19 Committee Report-Bill Pass As Amended  
2/21 2nd Reading Pass  
2/23 3rd Reading Pass

Transmitted to Senate

3/04 Referred to Judiciary  
3/21 Hearing  
3/23 Adverse Committee Report  
3/25 Bill Killed

1 *Heave* HOUSE BILL NO. 722  
 2 INTRODUCED BY *Night Miller Steve J. House*  
 3 *Reem Chertkova* *Richard E. Hamming* *Edwin Fisher*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING IMMUNITY OF  
 5 RADIO STATION OWNERS OR OPERATORS FROM DEFAMATION SUITS TO  
 6 OWNERS OR OPERATORS OF TELEVISION BROADCASTING FACILITIES  
 7 AND CABLE TELEVISION SYSTEMS; AMENDING SECTIONS 27-1-811  
 8 THROUGH 27-1-813, MCA."

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

11 Section 1. Section 27-1-811, MCA, is amended to read:

12 "27-1-811. When owner or operator of radio station or  
 13 television broadcasting facility or cable television system  
 14 not liable for material broadcast. No person, firm, or  
 15 corporation owning or operating a radio or television  
 16 broadcasting station facility or a cable television system  
 17 is liable under the law of defamation on account of having  
 18 made its broadcasting transmission facilities available to  
 19 any person, including but not limited to a candidate for  
 20 public office, for discussion of controversial or other  
 21 subjects in the absence of proof of actual malice on the  
 22 part of such owner or operator."

23 Section 2. Section 27-1-812, MCA, is amended to read:

24 "27-1-812. Right of owner or operator to require prior  
 25 submission of text ~~to be broadcast~~. Any person, firm, or

1 corporation owning or operating a radio or television  
 2 broadcasting station facility or a cable television system  
 3 shall have the right but ~~shall~~ may not be compelled to  
 4 require the submission and permanent filing ~~in such station~~  
 5 with the owner or operator of such facility or system of a  
 6 copy of the complete address or other form of expression, if  
 7 in words, intended to be broadcast transmitted over such  
 8 station facility or system, not more than 48 hours before  
 9 the time of the intended broadcast transmission thereof."

10 Section 3. Section 27-1-813, MCA, is amended to read:

11 "27-1-813. Liability of person broadcasting  
 12 transmitting -- liability of owner or operator for broadcast  
 13 text of transmission prepared by station owner or operator.  
 14 Nothing in 27-1-811 or 27-1-812 may be construed to relieve  
 15 any person broadcasting transmitting over a radio station or  
 16 television broadcasting facility or a cable television  
 17 system from liability under the law of defamation or to  
 18 relieve any person, firm, or corporation owning or operating  
 19 a radio broadcasting--station or television broadcasting  
 20 facility or a cable television system from liability under  
 21 the law of defamation on account of any broadcast  
 22 transmission prepared ~~or made~~ by such person, firm, or  
 23 corporation or by any officer or employee thereof in the  
 24 course of his employment. Whenever such an owner or  
 25 operator is liable on account of a broadcast transmission



1 and two or more ~~broadcasting-stations~~ facilities or systems  
2 were connected simultaneously or by transcription, film,  
3 metal tape, or other approved or adapted use for joint  
4 operation in the making of the broadcast transmission,  
5 liability is limited solely to the person, firm, or  
6 corporation owning or operating the radio--station facility  
7 or system which originated the broadcast transmission."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 722

INTRODUCED BY NISBET, MILLER, HANSEN, LORY,  
REAM, CHRISTIAENS, O'HARA, MCCORMICK, EUDAILY,  
KADAS, O'CONNELL, MANNING, FRITZ, JACK MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING IMMUNITY OF  
RADIO STATION OWNERS OR OPERATORS FROM DEFAMATION SUITS TO  
OWNERS OR OPERATORS OF TELEVISION BROADCASTING FACILITIES  
AND CABLE TELEVISION SYSTEMS; AMENDING SECTIONS 27-1-811  
THROUGH AND 27-1-813, MCA."

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

Section 1. Section 27-1-811, MCA, is amended to read:

"27-1-811. When owner or operator of radio station or  
television broadcasting facility or cable television system  
not liable for material broadcast. No person, firm, or  
corporation owning or operating a radio or television  
broadcasting station facility or a cable television system  
is liable under the law of defamation on account of having  
made its broadcasting transmission facilities available to  
any person, including but not limited to a candidate for  
public office, for discussion of controversial or other  
subjects in the absence of proof of actual malice on the  
part of such owner or operator."

~~Section 2. Section 27-1-812, MCA, is amended to read:~~

~~"27-1-812. Right of owner or operator to require prior  
submission of text to be broadcast. Any person, firm, or  
corporation owning or operating a radio or television  
broadcasting station facility or a cable television system  
shall have the right but shall may not be compelled to  
require the submission and permanent filing in such station  
with the owner or operator of such facility or system of a  
copy of the complete address or other form of expression, if  
in words, intended to be broadcast transmitted over such  
station facility or system, not more than 48 hours before  
the time of the intended broadcast transmission thereof."~~

Section 2. Section 27-1-813, MCA, is amended to read:

"27-1-813. Liability of person broadcasting  
transmitting -- liability of owner or operator for broadcast  
text of transmission prepared by station owner or operator.  
Nothing in 27-1-811 or 27-1-812 may be construed to relieve  
any person broadcasting transmitting over a radio station or  
television broadcasting facility or a cable television  
system from liability under the law of defamation or to  
relieve any person, firm, or corporation owning or operating  
a radio broadcasting station or television broadcasting  
facility or a cable television system from liability under  
the law of defamation on account of any broadcast  
transmission prepared or made by such person, firm, or  
corporation or by any officer or employee thereof in the

1 course of his employment. Whenever such an owner or  
2 operator is liable on account of a broadcast transmission  
3 and two or more broadcasting-stations facilities or systems  
4 were connected simultaneously or by transcription, film,  
5 metal tape, or other approved or adapted use for joint  
6 operation in the making of the broadcast transmission,  
7 liability is limited solely to the person, firm, or  
8 corporation owning or operating the radio--station facility  
9 or system which originated the broadcast transmission."

-End-

HOUSE BILL NO. 722

INTRODUCED BY NISBET, MILLER, HANSEN, LORY,  
REAM, CHRISTIAENS, O'HARA, MCCORMICK, EUDAILY,  
KADAS, O'CONNELL, MANNING, FRITZ, JACK MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING IMMUNITY OF  
RADIO STATION OWNERS OR OPERATORS FROM DEFAMATION SUITS TO  
OWNERS OR OPERATORS OF TELEVISION BROADCASTING FACILITIES  
AND CABLE TELEVISION SYSTEMS; AMENDING SECTIONS 27-1-811  
THROUGH AND 27-1-813, MCA."

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

Section 1. Section 27-1-811, MCA, is amended to read:

"27-1-811. When owner or operator of radio station or  
television broadcasting facility or cable television system  
not liable for material broadcast. No person, firm, or  
corporation owning or operating a radio or television  
broadcasting station facility or a cable television system  
is liable under the law of defamation on account of having  
made its broadcasting transmission facilities available to  
any person, including but not limited to a candidate for  
public office, for discussion of controversial or other  
subjects in the absence of proof of actual malice on the  
part of such owner or operator."

~~Section 2. Section 27-1-812, MCA, is amended to read:~~

~~"27-1-812. Right of owner or operator to require prior  
submission of text to be broadcast. Any person, firm, or  
corporation owning or operating a radio or television  
broadcasting station facility or a cable television system  
shall have the right but shall may not be compelled to  
require the submission and permanent filing in such station  
with the owner or operator of such facility or system of a  
copy of the complete address or other form of expression, if  
in words, intended to be broadcast transmitted over such  
station facility or system, not more than 48 hours before  
the time of the intended broadcast transmission thereof."~~

Section 2. Section 27-1-813, MCA, is amended to read:

"27-1-813. Liability of person broadcasting  
transmitting -- liability of owner or operator for broadcast  
text of transmission prepared by station owner or operator.  
Nothing in 27-1-811 or 27-1-812 may be construed to relieve  
any person broadcasting transmitting over a radio station or  
television broadcasting facility or a cable television  
system from liability under the law of defamation or to  
relieve any person, firm, or corporation owning or operating  
a radio broadcasting--station or television broadcasting  
facility or a cable television system from liability under  
the law of defamation on account of any broadcast  
transmission prepared or--made by such person, firm, or  
corporation or by any officer or employee thereof in the



1 course of his employment. Whenever such an owner or  
2 operator is liable on account of a broadcast transmission  
3 and two or more broadcasting-stations facilities or systems  
4 were connected simultaneously or by transcription, film,  
5 metal tape, or other approved or adapted use for joint  
6 operation in the making of the broadcast transmission,  
7 liability is limited solely to the person, firm, or  
8 corporation owning or operating the radio--station facility  
9 or system which originated the broadcast transmission."

-End-