

SENATE BILL NO. 56

1/07 Introduced  
1/07 Referred to Judiciary  
1/14 Hearing  
1/16 Adverse Committee Report  
1/16 Bill Killed

1                                    SENATE    BILL NO.    56  
 2    INTRODUCED BY    CHRISTIAENS

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 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH ASSUMPTION  
 5    OF THE RISK AS AN ABSOLUTE DEFENSE IN CIVIL ACTIONS AND  
 6    EXCLUDE COMPARATIVE NEGLIGENCE FROM APPLICATION TO THE  
 7    DEFENSE; AND PROVIDING AN APPLICABILITY DATE."

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

10            Section 1. Assumption of the risk -- absolute defense.  
 11    (1) Assumption of the risk may be asserted as an absolute  
 12    defense in a civil action, and the provisions of 27-1-702  
 13    regarding comparative negligence are not applicable to the  
 14    defense.

15            (2) The defense requires evidence that a person  
 16    claiming injury:

- 17            (a) had knowledge of a dangerous condition;
- 18            (b) understood and appreciated the risk therefrom;
- 19            (c) voluntarily exposed himself to the risk; and
- 20            (d) suffered an injury that was a usual or probable
- 21    consequence of the dangerous condition.

22            Section 2. Applicability date. This act does not apply  
 23    to causes of action arising prior to October 1, 1985.

-End-



INTRODUCED BILL  
 SB 56