

SENATE BILL NO. 298
INTRODUCED BY YELLOWTAIL

IN THE SENATE

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| February 1, 1985 | Introduced and referred to Committee on Judiciary. |
| February 4, 1985 | Fiscal Note requested. |
| February 9, 1985 | Fiscal Note returned. |
| February 12, 1985 | Committee recommend bill do pass. Report adopted. |
| February 13, 1985 | Bill printed and placed on members' desks. |
| February 15, 1985 | Second reading, do pass. |
| February 16, 1985 | Considered correctly engrossed. |
| February 18, 1985 | Third reading, passed. Ayes, 49; Noes, 0. |
| | Transmitted to House. |

IN THE HOUSE

| | |
|-------------------|---|
| February 27, 1985 | Introduced and referred to Committee on Judiciary. |
| March 18, 1985 | Committee recommend bill be concurrent in. Report adopted. |
| March 20, 1985 | Second reading, concurred in. |
| March 22, 1985 | Third reading, concurred in. Returned to Senate. |

IN THE SENATE

March 22, 1985

Received from House.

March 23, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 298
 2 INTRODUCED BY *Yellowtail*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE TO 10 THE
 5 NUMBER OF CLAIMS A PARTY MAY FILE IN SMALL CLAIMS COURT IN A
 6 CALENDAR YEAR; AMENDING SECTION 25-35-505, MCA; AND
 7 PROVIDING A DELAYED EFFECTIVE DATE."

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

10 Section 1. Section 25-35-505, MCA, is amended to read:
 11 "25-35-505. Parties -- representation. (1) Parties in
 12 the small claims court may be individuals, partnerships,
 13 corporations, unions, associations, or any other kind of
 14 organization or entity, except the state or any agency
 15 thereof.

16 (2) A party may not be represented by an attorney
 17 unless all parties are represented by an attorney in a small
 18 claims court.

19 (3) An individual may represent himself in a small
 20 claims court. A partnership may be represented by a partner
 21 or one of its employees. A union may be represented by a
 22 union member or union employee. A corporation may be
 23 represented by one of its employees. An association may be
 24 represented by one of its members or by an employee of the
 25 association. Any other kind of organization or entity may be

1 represented by one of its members or employees.

2 (4) Only a party, natural or otherwise, who has been a
 3 party to the transaction with the defendant for which the
 4 claim is brought may file and prosecute a claim in the small
 5 claims court.

6 (5) No party may file an assigned claim in the small
 7 claims court.

8 (6) No party may file more than ~~three~~ 10 claims in any
 9 calendar year.

10 (7) Notwithstanding any other provision of this
 11 section, a personal representative of a decedent's estate, a
 12 guardian, or a conservator may be a party in the small
 13 claims court."

14 NEW SECTION. Section 2. Effective date. This act is
 15 effective January 1, 1986.

-End-



-2- INTRODUCED BILL
 SB 298

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 320-85

Form BD-15

In compliance with a written request received February 4, 19 85, there is hereby submitted a Fiscal Note for S.B. 298 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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 OF PROPOSED LEGISLATION:

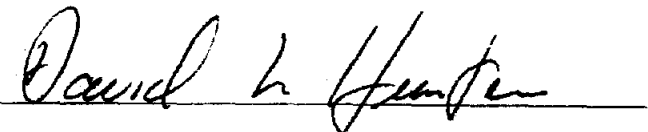
Senate Bill 298 is an act to increase to 10 the number of claims a party may file in small claims court in a calendar year and providing a delayed effective date.

ASSUMPTION:

Court fees would cover the cost of related claims.

FISCAL IMPACT:

No net impact.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 9 1985

SB298

APPROVED BY COMMITTEE
ON JUDICIARY

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(5) No party may file an assigned claim in the small claims court.

(6) No party may file more than three 10 claims in any calendar year.

(7) Notwithstanding any other provision of this section, a personal representative of a decedent's estate, a guardian, or a conservator may be a party in the small claims court."

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-2-
 THIRD READING
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