

SENATE BILL NO. 322

INTRODUCED BY TOWE

IN THE SENATE

February 5, 1985	Introduced and referred to Committee on Judiciary.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.
February 21, 1985	Bill printed and placed on members' desks.
February 22, 1985	Second reading, do pass.
February 23, 1985	Considered correctly engrossed.
February 25, 1985	Third reading, passed. Ayes, 48; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 28, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in.
	Returned to Senate with amendments.

IN THE SENATE

April 1, 1985

Received from House.

April 3, 1985

Second reading, amendments
concurred in.

April 5, 1985

Third reading, amendments
concurred in. Ayes, 45; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 322
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING INTEREST ON A
5 TORT TO ACCRUE BEGINNING FROM THE DATE 30 DAYS AFTER THE
6 CLAIMANT PRESENTED A WRITTEN STATEMENT TO THE OPPOSING PARTY
7 STATING THE CLAIM."

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

10 Section 1. Interest on torts. (1) Subject to
11 subsection (2), in an action for recovery on an injury as
12 defined in 27-1-106, a prevailing claimant is entitled to
13 interest at a rate of 10% on any claim for damages that are
14 capable of being made certain by calculation, beginning from
15 the date 30 days after the claimant presented a written
16 statement to the opposing party stating the claim and how
17 the specific sum was calculated.

18 (2) The interest provisions of subsection (1) do not
19 apply to damages not capable of being made certain by
20 calculation, including but not limited to damages for:

- 21 (a) pain and suffering;
- 22 (b) injury to credit, reputation, or financial
23 standing;
- 24 (c) mental anguish or suffering; and
- 25 (d) punitive damages.

1 Section 2. Codification instruction. Section 1 is
2 intended to be codified as an integral part of Title 27,
3 chapter 1, part 2, and the provisions of Title 27, chapter
4 1, part 2, apply to section 1.

-End-



-2- INTRODUCED BILL
SB 322

APPROVED BY COMMITTEE
ON JUDICIARY

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15 the date 30 days after the claimant presented a written
16 statement to the opposing party OR HIS AGENT stating the
17 claim and how the specific sum was calculated.

18 (2) The interest provisions of subsection (1) do not
19 apply to damages not capable of being made certain by
20 calculation, including but not limited to FUTURE damages
21 UNTIL SUCH DAMAGES ARE INCURRED AND DAMAGES for:

22 (a) pain and suffering;

23 (b) injury to credit, reputation, or financial
24 standing;

25 (c) mental anguish or suffering; and

1 (d) EXEMPLARY OR punitive damages;

2 (E) LOSS OF ESTABLISHED WAY OF LIFE;

3 (F) LOSS OF CONSORTIUM; AND

4 (G) ATTORNEY FEES.

5 (3) THE JURY IS TO BE ADVISED BY THE COURT THAT THE
6 COURT WILL DETERMINE THE AMOUNT OF PREJUDGMENT INTEREST DUE,
7 IF ANY, ON ANY JUDGMENT RENDERED.

8 (4) ANY PAYMENT BY A PARTY OF ANY CLAIM OR INTEREST
9 THEREON AS SET FORTH IN SUBSECTION (1) SHALL NOT BE AN
10 ADMISSION OF LIABILITY AND SHALL NOT BE MADE KNOWN TO THE
11 JURY.

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STANDING COMMITTEE REPORT

HOUSE

March 28 19 85.....

MR.SPEAKER.....

We, your committee onJUDICIARY.....

having had under considerationSENATE..... Bill No. 322.....

Third reading copy (Blue)
color

ALLOWING INTEREST ON A TORT FROM PRESENTING WRITTEN CLAIM

Respectfully report as follows: ThatSenate..... Bill No. 322.....

be amended as follows:

- 1. Page 1, line 13.
Following: "damages"
Insert: "awarded"

JS

AND AS AMENDED,
BE CONCURRED IN
~~XXXXXX~~
Tom Hannah

Tom Hannah
.....
REP. TOM HANNAH, Chairman.

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13 interest at a rate of 10% on any claim for damages AWARDED
14 that are capable of being made certain by calculation,
15 beginning from the date 30 days after the claimant presented
16 a written statement to the opposing party OR HIS AGENT
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