

FINAL STATUS

SB 4 INTRODUCED BY TOWE

AMEND CONSTITUTION TO ALLOW LEGISLATURE TO LIMIT
CIVIL LIABILITY

3/24 INTRODUCED

3/24 REFERRED TO JUDICIARY

3/24 HEARING
DIED IN COMMITTEE

CONSTITUTIONAL AMENDMENT

1 SENATE BILL NO. 4
2 INTRODUCED BY Law

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II,
6 SECTION 16, OF THE MONTANA CONSTITUTION TO PROVIDE AN
7 EXCEPTION TO FULL LEGAL REDRESS FOR LIMITATIONS FOR INJURY
8 TO PERSON, PROPERTY, OR CHARACTER; AND PROVIDING AN
9 EFFECTIVE DATE."

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

12 Section 1. Article II, section 16, of the Constitution
13 of the State of Montana is amended to read:

14 "Section 16. The administration of justice. (1) Courts
15 of justice shall be open to every person, and speedy remedy
16 afforded for every injury of person, property, or character.

17 (2) No person shall be deprived of this full legal
18 redress:

19 (a) for injury incurred in employment for which
20 another person may be liable except as to fellow employees
21 and his immediate employer who hired him if such immediate
22 employer provides coverage under the Workmen's Compensation
23 Laws of this state; or

24 (b) except as provided in any limitation the
25 legislature, by a two-thirds vote of each house, may impose

1 ~~for injury to person, property, or character if it finds~~
2 ~~that:~~

3 ~~(i) any particular insurance coverage and protection~~
4 ~~cannot reasonably be made available; and~~

5 ~~(ii) limiting the rights guaranteed under this section~~
6 ~~will make such coverage and protection reasonably available.~~

7 (3) Right and justice shall be administered without
8 sale, denial, or delay."

9 NEW SECTION. Section 2. Effective date. If approved
10 by the electorate, this amendment is effective January 1,
11 1987.

12 NEW SECTION. Section 3. Submission to electorate.
13 This amendment shall be submitted to the electors of Montana
14 at the general election to be held in November 1986 by
15 printing on the ballot the full title of this act and the
16 following:

17 ☐ FOR allowing an exception to full legal redress for
18 limitations imposed by the legislature, by a
19 two-thirds vote of each house, for injury to person,
20 property, or character (for limitations on
21 liability).

22 ☐ AGAINST allowing an exception to full legal redress
23 for limitations imposed by the legislature, by a
24 two-thirds vote of each house, for injury to person,
25 property, or character (against limitations on

-2- INTRODUCED BILL

SB4

LC 0004/01

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liability).

-End-