

HB 70 INTRODUCED BY MILES
MANDATORY NONBINDING ARBITRATION IN CIVIL CASES OF
 LESS THAN \$25,000
 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON
 LIABILITY ISSUES

1/05 INTRODUCED
1/05 REFERRED TO JUDICIARY
1/05 FISCAL NOTE REQUESTED
1/12 FISCAL NOTE RECEIVED
1/15 HEARING
2/02 COMMITTEE REPORT--BILL NOT PASSED AS AMENDED
2/03 ADVERSE COMMITTEE REPORT ADOPTED 70 16

1 HOUSE BILL NO. 70
 2 INTRODUCED BY MILES
 3 BY REQUEST OF THE JOINT INTERIM
 4 SUBCOMMITTEE ON LIABILITY ISSUES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR
 7 MANDATORY, NONBINDING ARBITRATION OF CERTAIN CIVIL CASES
 8 FILED IN DISTRICT COURT; AND PROVIDING AN APPLICABILITY
 9 DATE."

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

12 Section 1. Purpose. The purpose of [sections 1 through
 13 6] is to provide for mandatory, nonbinding arbitration to
 14 achieve prompt and equitable resolution of certain civil
 15 cases filed in district court.

16 Section 2. Submission of cases to arbitration. (1)
 17 Notwithstanding the provisions of 27-5-114, a civil case
 18 filed in district court must be submitted to arbitration by
 19 the district judge if the amount in controversy is in the
 20 judge's opinion less than \$25,000 for each plaintiff.

21 (2) If in the judge's opinion the amount in
 22 controversy exceeds the amount provided for in subsection
 23 (1), the judge, upon consent of the parties to the case, may
 24 submit the case to arbitration.

25 Section 3. List of arbitrators -- qualifications --

1 compensation. (1) Each judicial district shall maintain a
 2 list of qualified persons who have agreed to serve as
 3 arbitrators.

4 (2) To be eligible to serve as an arbitrator, a person
 5 must be an attorney admitted to practice law in Montana.

6 (3) An arbitrator is entitled to receive reasonable
 7 compensation for his services, not to exceed \$150 a case or
 8 \$150 a day, whichever is greater. The parties shall pay the
 9 arbitrator's fee and shall share the cost equally, unless
 10 the parties agree to apportion the fee differently.

11 Section 4. Appointment of arbitrator -- hearing --
 12 decision and award. (1) Within 30 days after a case is
 13 submitted to arbitration, the district judge shall assign an
 14 arbitrator to hear the case.

15 (2) The arbitration hearing must be conducted in
 16 accordance with any rules adopted by the supreme court.

17 (3) Following the hearing, the arbitrator shall file
 18 his decision and award in writing with the clerk of the
 19 district court.

20 (4) If no request for a trial de novo is made as
 21 provided for in [section 5], the arbitrator's award, upon
 22 motion of one of the parties, must be entered as the
 23 judgment of the district court and has the same force and
 24 effect as judgments in other civil actions or proceedings.

25 Section 5. Trial de novo. (1) Within 20 days after the

1 arbitrator's award is filed with the clerk of the district
2 court, a party to the case may request, by filing a written
3 notice with the clerk of the district court, a trial de novo
4 as to both law and fact.

5 (2) No reference may be made to the arbitration
6 hearing or award during the trial de novo.

7 (3) The supreme court may by rule provide for costs
8 and reasonable attorney fees to be assessed against a party
9 appealing from an arbitration award who fails to improve his
10 position on trial de novo.

11 Section 6. Supreme court rules. The supreme court may
12 promulgate rules concerning arbitration of cases as provided
13 for in [sections 1 through 6], including rules for selecting
14 and compensating arbitrators and for conducting arbitration
15 hearings.

16 Section 7. Severability. If a part of this act is
17 invalid, all valid parts that are severable from the invalid
18 part remain in effect. If a part of this act is invalid in
19 one or more of its applications, the part remains in effect
20 in all valid applications that are severable from the
21 invalid applications.

22 Section 8. Applicability. This act applies to cases
23 filed in district court after the effective date of this
24 act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB070, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for mandatory, non-binding arbitration of certain civil cases filed in District Court; and providing an applicability date.

ASSUMPTIONS:

N/A

FISCAL IMPACT:

Expenditures:

The impact of the proposed law is unknown at this time. It is assumed that the proposed law, if enacted, will have a positive effect on court delay and backlog whenever a case is resolved by arbitration.

Revenues:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

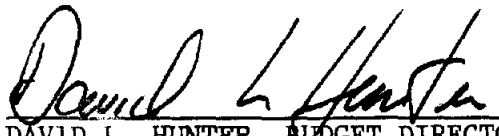
N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

 DATE 1/10/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 1/12/87
JOAN MILES, PRIMARY SPONSOR

Fiscal Note for HB070, as introduced.

HB 70