

HOUSE BILL NO. 167
INTRODUCED BY GILBERT

IN THE HOUSE

JANUARY 13, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

FEBRUARY 19, 1987 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1987 PRINTING REPORT.

FEBRUARY 21, 1987 SECOND READING, DO PASS.

 ENGROSSING REPORT.

FEBRUARY 23, 1987 THIRD READING, PASSED.
 AYES, 82; NOES, 16.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON JUDICIARY.

MARCH 25, 1987 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN AS
 AMENDED.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
 AYES, 48; NOES, 2.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 HB BILL NO. 167
2 INTRODUCED BY Gilbert
3

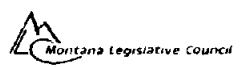
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE RIGHT
5 TO RECOVER DAMAGES FOR EMOTIONAL OR MENTAL DISTRESS IN ALL
6 CASES EXCEPT THOSE CASES INVOLVING ACTUAL PHYSICAL INJURY
7 FROM PHYSICAL CONTACT OR THREAT OF PHYSICAL CONTACT."
8

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

10 Section 1. Damages for emotional or mental distress
11 prohibited -- exception. In an action for breach of an
12 obligation or duty, whether arising from contract or
13 otherwise, recovery is prohibited for emotional or mental
14 distress, mental anguish or suffering, sorrow, grief,
15 fright, shame, embarrassment, humiliation, anger, chagrin,
16 disappointment, or worry, except in those actions involving
17 actual physical injury to the plaintiff or injured person
18 resulting from physical contact or threat of physical
19 contact.

-End-

INTRODUCED BILL
HB-167



APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE BILL NO. 167

2 INTRODUCED BY GILBERT

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE RIGHT
5 TO RECOVER DAMAGES FOR EMOTIONAL OR MENTAL DISTRESS IN ALL
6 CONTRACT CASES EXCEPT THOSE CASES INVOLVING ACTUAL PHYSICAL
7 INJURY FROM ~~PHYSICAL CONTACT OR THREAT OF PHYSICAL CONTACT~~
8 TO THE PLAINTIFF."

9

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

11 Section 1. Damages for emotional or mental distress
12 prohibited IN CONTRACT ACTIONS -- exception. In an action
13 for breach of an obligation or duty ~~whether~~ arising from
14 contract ~~or otherwise~~, recovery is prohibited for emotional
15 or mental distress, mental anguish or suffering, sorrow,
16 grief, fright, shame, embarrassment, humiliation, anger,
17 chagrin, disappointment, or worry, except in those actions
18 involving actual physical injury to the plaintiff ~~or injured~~
19 ~~person resulting from physical contact or threat of physical~~
20 ~~contact.~~

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE RIGHT
5 TO RECOVER DAMAGES FOR EMOTIONAL OR MENTAL DISTRESS IN ALL
6 CONTRACT CASES EXCEPT THOSE CASES INVOLVING ACTUAL PHYSICAL
7 INJURY FROM--PHYSICAL-CONTACT-OR-THREAT-OF-PHYSICAL-CONTACT
8 TO THE PLAINTIFF."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Damages for emotional or mental distress
12 prohibited IN CONTRACT ACTIONS -- exception. In an action
13 for breach of an obligation or duty,--whether arising from
14 contract ~~or otherwise~~, recovery is prohibited for emotional
15 or mental distress, mental anguish or suffering, sorrow,
16 grief, fright, shame, embarrassment, humiliation, anger,
17 chagrin, disappointment, or worry, except in those actions
18 involving actual physical injury to the plaintiff ~~or-injured~~
19 ~~person-resulting-from-physical-contact-or-threat-of-physical~~
20 ~~contact.~~

-End-

HOUSE BILL NO. 167

INTRODUCED BY GILBERT

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE RIGHT TO RECOVER DAMAGES FOR EMOTIONAL OR MENTAL DISTRESS IN ALL CONTRACT CASES EXCEPT THOSE CASES INVOLVING ACTUAL PHYSICAL INJURY FROM--PHYSICAL-CONTACT-OR-THREAT-OF-PHYSICAL-CONTACT TO THE PLAINTIFF; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Damages for emotional or mental distress prohibited IN CONTRACT ACTIONS -- exception. In an action for breach of an obligation or duty, ~~whether~~ arising from contract ~~or otherwise~~, recovery is prohibited for emotional or mental distress, ~~mental anguish or suffering, sorrow, grief, fright, shame, embarrassment, humiliation, anger, chagrin, disappointment, or worry,~~ except in those actions involving actual physical injury to the plaintiff ~~or injured person resulting from physical contact or threat of physical contact.~~ EMOTIONAL OR MENTAL DISTRESS, AS USED IN THIS SECTION, INCLUDES MENTAL ANGUISH OR SUFFERING, SORROW, GRIEF, FRIGHT, SHAME, EMBARRASSMENT, HUMILIATION, ANGER, CHAGRIN, DISAPPOINTMENT, OR WORRY.

SECTION 2. APPLICABILITY. THIS ACT APPLIES TO CLAIMS ARISING AFTER THE EFFECTIVE DATE OF THIS ACT.

-End-



REFERENCE BILL
HB 167

STANDING COMMITTEE REPORT

SENATE

March 25, 1987

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on

having had under consideration HOUSE BILL No. 167

Third XXXXX reading copy (blue color)

Limiting right to recover damages for emotional or mental distress. Gilbert (Mazurek) (Mazurek)

Respectfully report as follows: That HOUSE BILL No. 167

be amended as follows:

1. Title, line 8. Following: "PLAINTIFF" Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1, line 21. Following: line 20 Insert: "Section 2. Applicability. This act applies to claims arising after the effective date of this act."

XXXXXX

XXXXXXXXXX

AND AS AMENDED BE CONCURRED IN

Senator Mazurek (Signature)

Chairman.

Handwritten notes: 3-25-87, 98, 2:4

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

3-28-87

DATE

11:40

TIME

MR. CHAIRMAN: I MOVE TO AMEND House Bill No. 167

third

blue

reading copy (blue) as follows:
Color

1. Page 1, lines 15 through 17.
Following: "distress," on line 15.
Strike: "mental anguish" through "worry," on line 17.

2. Page 1, line 20.
Following: "~~contact~~."
Insert: "Emotional or mental distress, as used in this section, includes mental anguish or suffering, sorrow, grief, fright, shame, embarrassment, humiliation, anger, chagrin, disappointment, or worry."

AMC

ADOPT
REJECT

[Signature]
.....
Senator Mazurek