

HB 757 INTRODUCED BY WHALEN  
CHANGE DATE FROM WHICH PREJUDGMENT INTEREST RUNS IN  
A TORT ACTION

2/14 INTRODUCED  
2/14 REFERRED TO JUDICIARY  
2/19 HEARING  
2/23 Tabled IN COMMITTEE

1 House BILL NO. 757  
2 INTRODUCED BY Whalen

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW  
5 RELATING TO PREJUDGMENT INTEREST IN AN ACTION FOR RECOVERY  
6 FOR INJURY TO A PERSON OR PROPERTY; AND AMENDING SECTION  
7 27-1-210, MCA."

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

10 Section 1. Section 27-1-210, MCA, is amended to read:

11 "27-1-210. Interest on torts. ~~{1}~~---Subject---to  
12 ~~subsection-{2}~~---in In an action for recovery on an injury as  
13 defined in 27-1-106, a prevailing claimant is entitled to  
14 interest at a rate of 10% on any ~~claim-for~~ damages awarded  
15 ~~that--are--capable--of--being--made--certain--by--calculation,~~  
16 beginning from the date ~~30-days-after-the-claimant-presented~~  
17 ~~a-written-statement-to--the--opposing--party--or--his--agent~~  
18 ~~stating-the-claim-and-how-the-specific-sum-was-calculated~~ of  
19 the injury.

20 ~~{2}~~---The--interest--provisions-of-subsection-{1}-do-not  
21 apply-to-damages--not--capable--of--being--made--certain--by  
22 calculation,--including--but--not--limited-to-future-damages  
23 until-such-damages-are-incurred-and-damages-for:

- 24 {a}--pain-and-suffering;  
25 {b}--injury--to--credit,--reputation,--or--financial

- 1 standing;  
2 {c}--mental-anguish-or-suffering;  
3 {d}--exemplary-or-punitive-damages;  
4 {e}--loss-of-established-way-of-life;  
5 {f}--loss-of-consortium; and  
6 {g}--attorney-fees;  
7 {3}--The--jury--is--to-be-advised-by-the-court-that-the  
8 court-will-determine-the-amount-of-prejudgment-interest-due;  
9 if-any,--on-any-judgment-rendered;  
10 {4}--Any-payment-by-a-party-of-any--claim--or--interest  
11 thereon--as--set--forth--in--subsection--{1}-shall-not-be-an  
12 admission-of-liability-and-shall-not-be-made--known--to--the  
13 jury."

-End-