

SB 58 INTRODUCED BY PINSONEAULT
JURY TO PICK ONE OF PROPOSED AWARDS OF PARTIES IN
CIVIL ACTIONS

1/06	INTRODUCED		
1/06	REFERRED TO JUDICIARY		
1/14	HEARING		
1/27	COMMITTEE REPORT--BILL PASSED		
1/30	2ND READING PASSED	37	7
2/02	3RD READING PASSED	43	5
	TRANSMITTED TO HOUSE		
2/04	REFERRED TO JUDICIARY		
3/10	HEARING		
3/11	TABLED IN COMMITTEE		

1 SENATE BILL NO. 58
 2 INTRODUCED BY PINSONEAULT
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE PLAINTIFF
 5 AND DEFENDANT IN A CIVIL ACTION, AFTER LIABILITY HAS BEEN
 6 DETERMINED, TO EACH PROVIDE THE JURY WITH A PROPOSED DAMAGE
 7 AWARD AMOUNT FROM WHICH THE JURY SHALL CHOOSE ONE AS THE
 8 DAMAGE AWARD."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Damage award from two proposed amounts. (1)
 12 The parties in an action may, in writing, agree to establish
 13 two proposed amounts from which the jury may choose the
 14 damages to which a plaintiff is entitled.
 15 (2) Prior to the parties choosing the proposed
 16 amounts, the jury shall determine liability, including any
 17 application of comparative negligence, or the defendant
 18 shall have conceded liability.
 19 (3) The district court judge, out of the hearing of
 20 the jury, shall solicit, first from the defendant and then
 21 from the plaintiff, an amount each believes the plaintiff is
 22 entitled to as damages. Following the initial round of such
 23 determinations, each party may either choose to abide by
 24 their choice or change their choice based upon the choice of
 25 the other party. Such changes may continue until each party

1 has chosen a final amount to be submitted to the jury.
 2 (4) The judge shall submit the two proposed awards to
 3 the jury, and the jury shall choose one of the amounts as
 4 the amount of damages to be awarded to the plaintiff. A jury
 5 may not return a damage award that is different than one or
 6 the other of the proposed awards.

-End-



-2- INTRODUCED BILL
 SB 58

APPROVED BY COMMITTEE
ON JUDICIARY

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