

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-

APPROVED BY COMMITTEE
ON JUDICIARY

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-

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-