

HOUSE BILL 104

Introduced by Whalen, et al.

1/09	Introduced
1/10	Referred to Judiciary
1/17	Hearing
1/18	Tabled in Committee

1 HOUSE BILL NO. 104
2 INTRODUCED BY Whalen Menahan Daily
3 Dr. Daniel Carlisle
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INSURER OF
5 A DEFENDANT TO BE JOINED AS A DEFENDANT IF A CLAIM IS OR MAY
6 BE COVERED BY THE INSURER; PROVIDING THAT EVIDENCE OF THE
7 AMOUNT AND COVERAGE OF THE INSURANCE IS ADMISSIBLE AS TO THE
8 AMOUNT AND AWARD OF DAMAGES; REPEALING SECTION 33-23-102,
9 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN
10 APPLICABILITY DATE."

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

13 NEW SECTION. Section 1. Joinder of defendant's
14 insurer -- evidence of insurance. (1) In a civil proceeding
15 in which a claim or claims against a defendant are or may be
16 covered by insurance, the insurance company is a real party
17 in interest and must be joined as an additional party
18 defendant.

19 (2) Evidence of the amount and coverage of the
20 insurance is admissible and must be addressed in the jury
21 instructions.

22 NEW SECTION. Section 2. Repealer. Section 33-23-102,
23 MCA, is repealed.

24 NEW SECTION. Section 3. Effective date. [This act] is
25 effective on passage and approval.

1 NEW SECTION. Section 4. Applicability. [This act]
2 applies to claims arising after [the effective date of this
3 act].

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