

HOUSE BILL NO. 651

INTRODUCED BY SPAETH, GAGE, VAN VALKENBURG

IN THE HOUSE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
FEBRUARY 13, 1989	FIRST READING.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 63; NOES, 32.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989	RECEIVED FROM SENATE.
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APRIL 1, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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HOUSE

BILL NO. 651

INTRODUCED BY

Spencer *McVitt* *McVitt*

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negligence action."

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT COMPLIANCE WITH NATIONAL ELECTRICAL SAFETY CODE STANDARDS ESTABLISHES DUE CARE IN THE DEFENSE OF A NEGLIGENCE ACTION; AND AMENDING SECTION 69-4-201, MCA."

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

Section 1. Section 69-4-201, MCA, is amended to read:

"69-4-201. Application of national electrical safety code. The national electrical safety code standards shall govern all future construction involving wires for power, heat, light, telephone, telegraph, or signal transmission or reception. Except as provided in 69-4-203, electrical construction of overhead and underground electrical supply and communication lines in the state shall be in conformity with the rules set forth in the national electrical safety code approved by the American national standards institute as published by the institute of electrical and electronic engineers. The national electrical safety code shall furnish construction standards and shall be enforced by the public service commission. Proof of compliance with the requirements of applicable national electrical safety code standards establishes due care in the defense of a

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

1 *HOUSE* BILL NO. *651*
2 INTRODUCED BY *Spencer* *W. Valkenburg*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
5 COMPLIANCE WITH NATIONAL ELECTRICAL SAFETY CODE STANDARDS
6 ESTABLISHES DUE CARE IN THE DEFENSE OF A NEGLIGENCE ACTION;
7 AND AMENDING SECTION 69-4-201, MCA."
8

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

10 **Section 1.** Section 69-4-201, MCA, is amended to read:

11 "69-4-201. Application of national electrical safety
12 code. The national electrical safety code standards shall
13 govern all future construction involving wires for power,
14 heat, light, telephone, telegraph, or signal transmission or
15 reception. Except as provided in 69-4-203, electrical
16 construction of overhead and underground electrical supply
17 and communication lines in the state shall be in conformity
18 with the rules set forth in the national electrical safety
19 code approved by the American national standards institute
20 as published by the institute of electrical and electronic
21 engineers. The national electrical safety code shall
22 furnish construction standards and shall be enforced by the
23 public service commission. Proof of compliance with the
24 requirements of applicable national electrical safety code
25 standards establishes due care in the defense of a

1 negligence action."

-End-

1 HOUSE BILL NO. 651
2 INTRODUCED BY Speth By V. Volkman
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
5 COMPLIANCE WITH NATIONAL ELECTRICAL SAFETY CODE STANDARDS
6 ESTABLISHES DUE CARE IN THE DEFENSE OF A NEGLIGENCE ACTION;
7 AND AMENDING SECTION 69-4-201, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 69-4-201, MCA, is amended to read:
11 "69-4-201. Application of national electrical safety
12 code. The national electrical safety code standards shall
13 govern all future construction involving wires for power,
14 heat, light, telephone, telegraph, or signal transmission or
15 reception. Except as provided in 69-4-203, electrical
16 construction of overhead and underground electrical supply
17 and communication lines in the state shall be in conformity
18 with the rules set forth in the national electrical safety
19 code approved by the American national standards institute
20 as published by the institute of electrical and electronic
21 engineers. The national electrical safety code shall
22 furnish construction standards and shall be enforced by the
23 public service commission. Proof of compliance with the
24 requirements of applicable national electrical safety code
25 standards establishes due care in the defense of a

1 negligence action."

-End-

SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 651 (third reading copy -- blue), respectfully report that HB 651 be amended and as so amended be concurred in:

Sponsor: Spaeth (Bishop)

1. Title, line 5.
Following: "WITH"
Insert: "A"
Strike: "STANDARDS"
Insert: "STANDARD"

2. Title, line 6.
Strike: "ACTION"
Insert: "CLAIM ALLEGING A VIOLATION OF THAT STANDARD"

3. Page 1, line 24.
Following: "of"
Insert: "an"

4. Page 1, line 25.
Strike: "standards"
Insert: "standard"

5. Page 2, line 1.
Strike: "action"
Insert: "claim alleging a violation of that standard"

AND AS AMENDED BE CONCURRED IN

Signed


Bruce D. Crippen, Chairman

HB 651
SENATE

1 HOUSE BILL NO. 651

2 INTRODUCED BY SPAETH, GAGE, VAN VALKENBURG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
5 COMPLIANCE WITH A NATIONAL ELECTRICAL SAFETY CODE STANDARDS
6 STANDARD ESTABLISHES DUE CARE IN THE DEFENSE OF A NEGLIGENCE
7 ACTION CLAIM ALLEGING A VIOLATION OF THAT STANDARD; AND
8 AMENDING SECTION 69-4-201, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:11 **Section 1.** Section 69-4-201, MCA, is amended to read:

12 "69-4-201. Application of national electrical safety
13 code. The national electrical safety code standards shall
14 govern all future construction involving wires for power,
15 heat, light, telephone, telegraph, or signal transmission or
16 reception. Except as provided in 69-4-203, electrical
17 construction of overhead and underground electrical supply
18 and communication lines in the state shall be in conformity
19 with the rules set forth in the national electrical safety
20 code approved by the American national standards institute
21 as published by the institute of electrical and electronic
22 engineers. The national electrical safety code shall
23 furnish construction standards and shall be enforced by the
24 public service commission. Proof of compliance with the
25 requirements of AN applicable national electrical safety

1 code standards STANDARD establishes due care in the defense
2 of a negligence action CLAIM ALLEGING A VIOLATION OF THAT
3 STANDARD."

-End-