

HOUSE BILL 673

Introduced by Whalen

2/13	Introduced
2/13	Referred to Judiciary
2/16	Hearing
2/16	Tabled in Committee

1 HOUSE BILL NO. 673
2 INTRODUCED BY Whalen
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DIRECT
5 CAUSE OF ACTION AGAINST THE INSURER IN AUTOMOBILE ACCIDENT
6 LIABILITY CASES."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 NEW SECTION. Section 1. Direct action against insurer.
10 (1) In an action for loss for bodily injury or death or
11 damage to property suffered by any person and caused by
12 maintenance or use of a motor vehicle as defined in
13 61-1-102, the person entitled to or who claims to be
14 entitled to recover against a person required to be insured
15 by Title 61, chapter 6, part 3, irrespective of whether the
16 liability is presently established or is contingent and to
17 become fixed or certain by final judgment against the
18 insured, has a right of direct action against the insurer
19 within the terms and limits of the policy. The action may be
20 brought against the insurer alone, the insured, or both the
21 insurer and the insured. This right of direct action exists
22 if the accident or injury occurred within Montana whether or
23 not the policy of insurance sued upon was written or
24 delivered in Montana and whether or not the policy contains
25 a provision forbidding direct action.

1 (2) The liability of the defendant insurer must be
2 determined according to 27-1-703.
3 (3) Nothing in this section permits the introduction
4 into evidence of the existence or nonexistence of insurance
5 against liability or the issue of whether the person acted
6 negligently or otherwise wrongfully.
7 NEW SECTION. Section 2. Codification instruction.
8 [Section 1] is intended to be codified as an integral part
9 of Title 61, chapter 6, and the provisions of Title 61,
10 chapter 6, apply to [section 1].

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