

SENATE BILL NO. 363
INTRODUCED BY CRIPPEN

IN THE SENATE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 45; NOES, 5.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 16, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1989	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 93; NOES, 4.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1989	SECOND READING, AMENDMENTS NOT
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CONCURRED IN.

APRIL 4, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 6, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 6, 1989

FREE CONFERENCE COMMITTEE REPORTED.

IN THE HOUSE

APRIL 7, 1989

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 11, 1989

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 11, 1989

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 13, 1989

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *State* BILL NO. 363
2 INTRODUCED BY *Copp*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PARTIES TO A
5 CONTRACT FOR THE ACQUISITION OF REAL OR PERSONAL PROPERTY,
6 SERVICES, OR MONEY OR CREDIT TO AGREE TO SUBMIT ANY FUTURE
7 CONTRACTUAL DISPUTES TO ARBITRATION, REGARDLESS OF THE
8 DOLLAR AMOUNT OF THE CONTRACT; DELETING THE DOLLAR AMOUNT
9 LIMITATION FOR CONTRACTS THAT MAY CONTAIN SUCH ARBITRATION
10 AGREEMENTS; AND AMENDING SECTION 27-5-114, MCA. "
11

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

13 **Section 1.** Section 27-5-114, MCA, is amended to read:

14 "27-5-114. Validity of arbitration agreement --
15 exceptions. (1) A written agreement to submit an existing
16 controversy to arbitration is valid and enforceable except
17 upon such grounds as exist at law or in equity for the
18 revocation of a contract.

19 (2) A written agreement to submit to arbitration any
20 controversy arising between the parties after the contract
21 is made is valid and enforceable except upon such grounds as
22 exist at law or in equity for the revocation of a contract.
23 This subsection does not apply to:

24 (a) claims arising out of personal injury, whether
25 based on contract or tort;

1 (b) any agreement concerning or relating to insurance
2 policies or annuity contracts except for those contracts
3 between insurance companies; or

4 ~~(c) any contract by an individual for the acquisition~~
5 ~~of real or personal property, services, or money or credit~~
6 ~~where the total consideration to be paid or furnished by the~~
7 ~~individual is \$35,000 or less, and~~

8 ~~(d) (c)~~ claims for workers' compensation.

9 (3) Notice that a contract is subject to arbitration
10 pursuant to this chapter shall be typed in underlined
11 capital letters on the first page of the contract; and
12 unless such notice is displayed thereon, the contract may
13 not be subject to arbitration."

-End-

APPROVED BY COMMITTEE
ON JUDICIARYBILL NO. 363INTRODUCED BY Copp

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PARTIES TO A CONTRACT FOR THE ACQUISITION OF REAL OR PERSONAL PROPERTY, SERVICES, OR MONEY OR CREDIT TO AGREE TO SUBMIT ANY FUTURE CONTRACTUAL DISPUTES TO ARBITRATION, REGARDLESS OF THE DOLLAR AMOUNT OF THE CONTRACT; DELETING THE DOLLAR AMOUNT LIMITATION FOR CONTRACTS THAT MAY CONTAIN SUCH ARBITRATION AGREEMENTS; AND AMENDING SECTION 27-5-114, MCA. "

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

Section 1. Section 27-5-114, MCA, is amended to read:

"27-5-114. Validity of arbitration agreement -- exceptions. (1) A written agreement to submit an existing controversy to arbitration is valid and enforceable except upon such grounds as exist at law or in equity for the revocation of a contract.

(2) A written agreement to submit to arbitration any controversy arising between the parties after the contract is made is valid and enforceable except upon such grounds as exist at law or in equity for the revocation of a contract.

This subsection does not apply to:

(a) claims arising out of personal injury, whether based on contract or tort;

(b) any agreement concerning or relating to insurance policies or annuity contracts except for those contracts between insurance companies; or

~~(c) any contract by an individual for the acquisition of real or personal property, services, or money or credit where the total consideration to be paid or furnished by the individual is \$35,000 or less; and~~

~~(d) (c)~~ claims for workers' compensation.

(3) Notice that a contract is subject to arbitration pursuant to this chapter shall be typed in underlined capital letters on the first page of the contract; and unless such notice is displayed thereon, the contract may not be subject to arbitration."

-End-

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 11 capital letters on the first page of the contract; and
 12 unless such notice is displayed thereon, the contract may
 13 not be subject to arbitration."

-End-

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
SENATE BILL 363 (third reading copy -- blue) be concurred in
as amended.

Signed: 

Dave Brown, Chairman

[REP. MERCER WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 6.

Following: "CREDIT

Insert: "WHERE THE CONSIDERATION TO BE PAID BY THE INDIVIDUAL IS
\$10,000 OR LESS"

2. Title, lines 7 and 8.

Strike: ", REGARDLESS" on line 7 through "DELETING" line 8

Insert: "; CHANGING"

3. Page 1, following line 25.

Insert: "(b) any contract by an individual for the acquisition of
real or personal property, services, or money or credit
where the total consideration to be paid or furnished by the
individual is \$10,000 or less;"

Renumber: subsequent sections

HOUSE

SB 363

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(a) claims arising out of personal injury, whether based on contract or tort;

(B) ANY CONTRACT BY AN INDIVIDUAL FOR THE ACQUISITION OF REAL OR PERSONAL PROPERTY, SERVICES, OR MONEY OR CREDIT WHERE THE TOTAL CONSIDERATION TO BE PAID OR FURNISHED BY THE INDIVIDUAL IS \$10,000 OR LESS;

~~(b)~~ (C) any agreement concerning or relating to insurance policies or annuity contracts except for those contracts between insurance companies; or

~~(c) -- any contract by an individual for the acquisition of real or personal property, services, or money or credit where the total consideration to be paid or furnished by the individual is \$35,000 or less; and~~

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-End-

(71)

Free Conference Committee Report
on SB 363
Report No. 1, April 5, 1989

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 363 met and considered:

The House Committee on Judiciary amendments to SB 363 (third reading copy -- blue) dated March 16, 1989.

We recommend that SB 363 (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Strike: "\$10,000"

Insert: "\$5,000"

2. Page 2, line 6.

Strike: "\$10,000"

Insert: "\$5,000"

And that this Conference Committee Report be adopted.

FOR THE SENATE

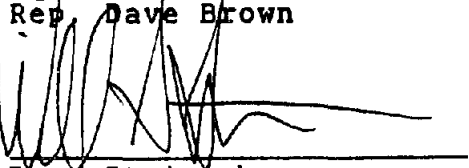

Sen. Crippen, Chairman


Sen. Bishop


Sen. Halligan

FOR THE HOUSE


Rep. Dave Brown


Rep. Strizich


Rep. Mercer

ADOPT

REJECT

SB 363

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~~(b)(C)~~ any agreement concerning or relating to insurance policies or annuity contracts except for those contracts between insurance companies; or

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-End-