

SENATE BILL 303

Introduced by Bianchi, et al.

2/03	Introduced
2/03	Referred to Judiciary
2/03	First Reading
2/19	Tabled in Committee

1 *Senate* BILL NO. 303
 2 INTRODUCED BY *Branch*
 3 *Anthony Lee Bassett*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING JOINT AND
 5 SEVERAL LIABILITY AMONG JOINT TORTFEASORS IN CIVIL LAWSUITS;
 6 AMENDING SECTIONS 25-15-202, 28-1-301, 28-1-302, 28-1-303,
 7 AND 28-11-311, MCA; REPEALING SECTION 27-1-703, MCA; AND
 8 PROVIDING AN APPLICABILITY DATE."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 **Section 1.** Section 25-15-202, MCA, is amended to read:
 12 "25-15-202. Effect of discharge -- right of
 13 contribution. ~~Except--as--provided--in--27-1-703,--the~~ The
 14 discharge of a joint debtor operates as a payment to the
 15 creditor equal to the proportionate interest of the debtor
 16 discharged, but the discharge of such the debtor does not
 17 prevent his the debtor's codebtors from enforcing the right
 18 of contribution in case they are compelled to pay the whole
 19 of the debt."
 20 **Section 2.** Section 28-1-301, MCA, is amended to read:
 21 "28-1-301. Types of obligations involving several
 22 persons. ~~Except--as--provided--in--27-1-703,--an~~ An obligation
 23 imposed upon several persons or a right created in favor of
 24 several persons may be:
 25 (1) joint;

1 (2) several; or
 2 (3) joint and several."
 3 **Section 3.** Section 28-1-302, MCA, is amended to read:
 4 "28-1-302. Joint obligations and covenants to be taken
 5 as joint and several. ~~Except--as--provided--in--27-1-703,--after~~
 6 After March 1, 1895, all joint obligations and covenants
 7 ~~shall~~ must be taken and held to be joint and several
 8 obligations and covenants."
 9 **Section 4.** Section 28-1-303, MCA, is amended to read:
 10 "28-1-303. Right to contribution from joint debtors.
 11 ~~Except--as--provided--in--27-1-703,--a~~ A party to a joint or
 12 joint and several obligation who satisfies more than his the
 13 party's share of the claim against all may require a
 14 proportionate contribution from all the parties joined with
 15 him the party."
 16 **Section 5.** Section 28-11-311, MCA, is amended to read:
 17 "28-11-311. Person indemnifying liable jointly and
 18 severally. ~~Except--as--provided--in--27-1-703,--one~~ One who
 19 indemnifies another against an act to be done by the latter
 20 is liable jointly with the person indemnified and separately
 21 to every person injured by such the act."
 22 **NEW SECTION. Section 6.** Repealer. Section 27-1-703,
 23 MCA, is repealed.
 24 **NEW SECTION. Section 7.** Applicability. [This act]
 25 applies to causes of actions arising on or after October 1,

LC 0941/01

1 1993.

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