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INTRODUCED BY Carlene Murray House BILL NO. 382

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE LIABILITY OF A CITY OR TOWN FOR A DEFECT IN A SIDEWALK; REQUIRING ACTUAL NOTICE TO OR KNOWLEDGE BY A CITY OR TOWN OF A NEEDED REPAIR OF A SIDEWALK FOR THE CITY OR TOWN TO BE LIABLE FOR FAILURE TO REPAIR; AND REQUIRING THE STATE TO MAINTAIN A SIDEWALK IN A CITY OR TOWN THAT IS ADJACENT TO A STATE HIGHWAY UNLESS THE STATE CONTRACTS WITH THE CITY OR TOWN FOR MAINTENANCE OF THE SIDEWALK."

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

NEW SECTION. Section 1. City or town liability for condition of sidewalk -- state responsibility.

(1) A city or town is not liable for negligent installation of or maintenance for any defect in the surface of a sidewalk that is 1.5 inches or less out of line with the plane of the sidewalk.

(2) A city or town is not liable for failure to repair a defect or unsafe condition of a sidewalk unless the city or town has received actual notice of the defect or unsafe condition or has knowledge of the defect or unsafe condition as a result of its own inspection.

(3) The state is responsible for maintaining a sidewalk in a city or town that is adjacent to a state highway unless the state contracts with the city or town for maintenance of the sidewalk.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 14, part 41, and the provisions of Title 7, chapter 14, part 41, apply to [section 1].

NEW SECTION. Section 3. Two-thirds vote required. Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

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