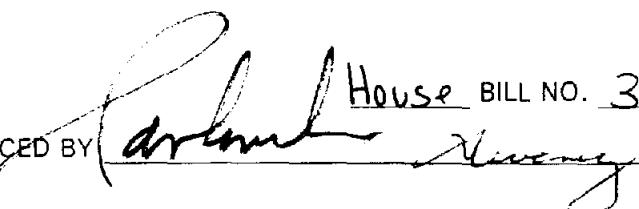


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2 INTRODUCED BY



House BILL NO. 382

3

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

10

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

12

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

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

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

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

21

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

25

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

29

-END-