

1 *Sen. Clark* SENATE BILL NO. 63 *John Devaney*
2 INTRODUCED BY *Sen. Clark* *John Devaney* *Sen. Orr*
3 *Sen. H. Keenan* *Sen. C. Bennett* *Sen. S. Hayne* *Sen. J. Stephens* *Sen. H. Hillard*
4 *Sen. J. S. Johnson* *Sen. J. B. Blaine* *Sen. J. M. Larson* *Sen. J. B. Blaine*
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PLACE OF TRIAL FOR A TORT ACTION WHEN
6 THE DEFENDANT IS AN OUT-OF-STATE CORPORATION; AND AMENDING SECTION 25-2-122, MCA."
7

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

9

10 Section 1. Section 25-2-122, MCA, is amended to read:

11 "25-2-122. Torts. (1) The Except as provided in subsection (2), the proper place of trial for a tort
12 action is:

13 (1)(a) the county in which the defendants, or any of them, reside at the commencement of the
14 action; or

15 (1)(b) the county where the tort was committed. If the tort is interrelated with and dependent upon
16 a claim for breach of contract, the tort was committed, for the purpose of determining the proper place of
17 trial, in the county where the contract was to be performed.

18 (2) If the defendant is a corporation incorporated in a state other than Montana, the proper place
19 of trial for a tort action is:

20 (a) the county in which the tort was committed;

21 (b) the county in which the plaintiff resides; or

22 (c) the county in which the corporation has its principal place of business."

-END-

1 SENATE BILL NO. 63

2 INTRODUCED BY CRIPPEN, ANDERSON, CLARK, FISHER, SIMON, TASH, ORR, DEVANEY, SOFT,
3 KEENAN, HANSON, BARNETT, STOVALL, HAYNE, SIMPKINS, HIBBARD, JENKINS, CURTISS, TOEWS,
4 BOHLINGER, MESAROS, BENEDICT, GRADY, T. NELSON, TVEIT

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19 (2) If the defendant is a corporation incorporated in a state other than Montana, the proper place
20 of trial for a tort action is:

21 (a) the county in which the tort was committed;

22 (b) the county in which the plaintiff resides; or

23 (c) the county in which the corporation has its principal place of business corporation's resident
24 agent is located, as required by law, or in the first judicial district."

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(2)(b) the county where the tort was committed. If the tort is interrelated with and dependent upon a claim for breach of contract, the tort was committed, for the purpose of determining the proper place of trial, in the county where the contract was to be performed.

(2) If the defendant is a corporation incorporated in a state other than Montana, the proper place of trial for a tort action is:

(a) the county in which the tort was committed;

(b) the county in which the plaintiff resides; or

(c) the county in which the corporation has its principal place of business corporation's resident agent is located, as required by law, or in the first judicial district."

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