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	26	October 1, 1997.	-

Legislative Services Division

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HB352
INTRODUCED BILL

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB352, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing that the original owner of real property or possessor of stolen personal property or the owner of real property misused without the knowledge of the owner is not liable for injury or damages arising out of the use of misuse of the propertywhile the property is possessed by another.

ASSUMPTIONS:

- The Risk Management and Tort Defense Division does not recall any previous tort claims regarding these circumstances.
- 2. If such a claim were to arise it would be denied on the basis of no state negligence.

FISCAL IMPACT:

No fiscal impact on the state.

DAVE LEWIS, BUDGET DIRECTOR DATE

Office of Budget and Program Planning

PAUL SLITER, PRIMARY SPONSOR

DATE

Fiscal Note for <u>HB352</u>, as introduced

HB 352

1	HOUSE BILL NO. 352
2	INTRODUCED BY SLITER, GRINDE, STANG, CLARK, BRAINARD, M. TAYLOR, BEAUDRY, HOLDEN,
3	GAGE, ESTRADA, JORE, TASH, MCCANN, WISEMAN, DEPRATU, MOOD, WELLS, HEAVY RUNNER,
4	BITNEY, BENEDICT, BAER, MCGEE, WALTERS, MILLER, GROSFIELD, RYAN, OHS, ORR, CURTISS,
5	WAGNER, HERTEL, DEBRUYCKER, JABS, MAHLUM, FRANKLIN, ANDERSON, AKLESTAD, CRISMORE,
6	STORY, PROUSE, COBB, SIMON, MESAROS, PECK, SPRAGUE, SWYSGOOD, DEVLIN, THOMAS,
7	MOHL, EMERSON, MCNUTT, BECK, KEATING, BARNETT, RANEY, KEENAN, MERCER, ZOOK, QUILICI,
8	REHBEIN, HOLLAND, FOSTER, DEVANEY, PAVLOVICH, LYNCH, STOVALL, KNOX, GLASER
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10	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE ORIGINAL OWNER OR POSSESSOR OF
11	STOLEN PERSONAL PROPERTY OR THE OWNER OF REAL PROPERTY CRIMINALLY MISUSED WITHOUT
12	THE KNOWLEDGE OF THE OWNER IS NOT LIABLE FOR INJURY OR DAMAGES ARISING OUT OF THE USE
13	OR MISUSE OF THE PROPERTY WHILE THE PROPERTY IS POSSESSED BY ANOTHER; AND PROVIDING
14	AN APPLICABILITY DATE."
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17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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NEW SECTION. Section 1. Property owner's immunity from damage caused by use of property unlawfully taken. The original owner or possessor of personal property that is stolen is not liable for injury or damage arising out of the use of the property while the property is possessed by another. The owner of real property that is criminally misused by another without the owner's knowledge is not liable for injury or damage arising out of the misuse. This section includes but is not limited to the taking of a weapon PROPERTY TAKEN by theft, robbery, or burglary directly from the person's body or from a place of residence, tent or other recreational structure, or motor vehicle or boat that is owned, possessed, or used by the person owning or possessing the weapon PROPERTY.

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<u>NEW SECTION.</u> Section 2. 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.

1 <u>NEW SECTION.</u> Section 3. Applicability. [This act] applies to injuries and damages occurring after

2 October 1, 1997.

3 -END-

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