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Senate BILL NO. 277

INTRODUCED BY

Bartlett

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROCEDURE FOR THE SMALL CLAIMS COURT; PROVIDING THAT THE SMALL CLAIMS COURT PROCEDURE IN DISTRICT COURT MUST CONFORM TO THE SMALL CLAIMS COURT PROCEDURE IN JUSTICE'S COURT; REPEALING THE SMALL CLAIMS PROCEDURE FOR DISTRICT COURT; AMENDING SECTION 3-12-101, MCA; REPEALING SECTIONS 3-12-106, 25-34-101, 25-34-102, 25-34-103, 25-34-104, 25-34-105, 25-34-106, 25-34-201, 25-34-202, 25-34-203, 25-34-204, 25-34-205, 25-34-206, 25-34-207, 25-34-208, 25-34-301, 25-34-302, 25-34-303, 25-34-401, 25-34-402, 25-34-403, AND 25-34-404, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Procedure. A small claims court created under this chapter shall follow the small claims procedure used in justice's court, as provided in Title 25, chapter 35.

Section 2. Section 3-12-101, MCA, is amended to read:

"3-12-101. Purpose -- liberal construction. It is the purpose of this chapter ~~and chapter 34 of Title 25~~ to provide a speedy remedy in claims falling ~~hereunder~~ under this chapter and to promote a forum in which ~~such~~ the claims may be heard and disposed of without the necessity of formal trial. For this reason, the provisions ~~hereof~~ of this chapter should be liberally construed to provide an informal but equitable means of justice, and the judges appointed ~~hereunder~~ under this chapter are required to assist all parties before them to obtain substantial justice."

NEW SECTION. Section 3. Repealer. Sections 3-12-106, 25-34-101, 25-34-102, 25-34-103, 25-34-104, 25-34-105, 25-34-106, 25-34-201, 25-34-202, 25-34-203, 25-34-204, 25-34-205, 25-34-206, 25-34-207, 25-34-208, 25-34-301, 25-34-302, 25-34-303, 25-34-401, 25-34-402, 25-34-403, and 25-34-404, MCA, are repealed.

1 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
2 integral part of Title 3, chapter 12, part 1, and the provisions of Title 3, chapter 12, part 1, apply to
3 [section 1].

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5 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 1997.

6

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0277, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

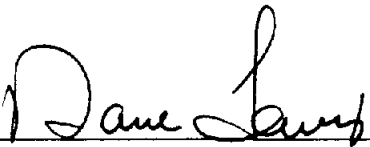
A bill generally revising procedure for the small claims court.


FISCAL IMPACT:

Passage of SB 277 will have no fiscal impact on the state.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Currently only one small claims court exists in the state (Lewis & Clark County), and the fiscal impact of this bill would be minimal.

 2-3-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/7/97
SUE BARTLETT, PRIMARY SPONSOR DATE
Fiscal Note for SB0277, as introduced

SENATE BILL NO. 277

INTRODUCED BY BARTLETT, AHNER, ELLINGSON

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1 **NEW SECTION.** **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
2 integral part of Title 3, chapter 12, part 1, and the provisions of Title 3, chapter 12, part 1, apply to
3 [section 1].

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5 **NEW SECTION.** **Section 5. Effective date.** [This act] is effective July 1, 1997.

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