

1 *Holden* *Wm. E. Boharski* *Bar* *Tosh*
 2 INTRODUCED BY *Curtiss* *Anderson* *Ellis* *HARP* *BENEDICT*
 3 *Keenan* *Thomas* *Grady* *GRIND* *John* *Felton* *Clark*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING GENERAL VENUE STATUTES; AND AMENDING
 5 SECTIONS 25-2-118 AND 25-2-122, MGA."
 6 *Brainard* *Wright* *Bergman* *Miller* *Inner*
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-2-118, MCA, is amended to read:

"25-2-118. Residence of defendant. ~~Unless otherwise specified in this part:~~

(1) ~~except~~ Except as provided in subsection (3), the proper place of trial for all civil actions is the county in which the defendants or any of them ~~may~~ reside at the commencement of the action;

(2) ~~if~~ If none of the defendants reside in the state, the proper place of trial ~~is any county the plaintiff designates in the complaint~~ for a contract action is as provided in 25-2-121(1)(b) or (2) and the proper place of trial for a tort action is as provided in 25-2-122(2) or (3);

(3) ~~the~~ The proper place of trial ~~of~~ for an action brought pursuant to Title 40, chapter 4, is the county in which the petitioner has resided during the 90 days preceding the commencement of the action."

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

"25-2-122. Torts. (1) Except as provided in ~~subsection~~ subsections (2) and (3), the proper place of trial for a tort action is:

- (a) the county in which the defendants, or any of them, reside at the commencement of the action;
- or
- (b) the county ~~where~~ in which 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~~ in which 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



1 (c) the county in which the corporation's resident agent is located, as required by law, or in the
2 first judicial district.

3 (3) If the defendant is a resident of a state other than Montana, the proper place of trial for a tort
4 action is:

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

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

7 (c) the first judicial district."

8 -END-

1 *Holden* *Wm. E. Bohorski* *314* *Bauer* *Tosh*
 2 INTRODUCED BY *Anderson* *Ellis* *HARP* *Baker* *BENEDICT*
 3 *Keenan* *Thomas* *Grady* *GRIND* *Holmes* *Miller*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING GENERAL VENUE STATUTES; AND AMENDING
 5 SECTIONS 25-2-118 AND 25-2-122, MGA."
 6 *Brainard* *Wright* *Gregg* *Freed* *Clark*
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Section 1. Section 25-2-118, MCA, is amended to read:

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- (1) ~~except~~ Except as provided in subsection (3), the proper place of trial for all civil actions is the county in which the defendants or any of them ~~may~~ reside at the commencement of the action;
- (2) ~~if~~ If none of the defendants reside in the state, the proper place of trial ~~is any county the plaintiff designates in the complaint for a contract action is as provided in 25-2-121(1)(b) or (2) and the proper place of trial for a tort action is as provided in 25-2-122(2) or (3).~~
- (3) ~~the~~ The proper place of trial ~~of~~ for an action brought pursuant to Title 40, chapter 4, is the county in which the petitioner has resided during the 90 days preceding the commencement of the action."

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

"25-2-122. Torts. (1) Except as provided in ~~subsection~~ subsections (2) and (3), the proper place of trial for a tort action is:

- (a) the county in which the defendants, or any of them, reside at the commencement of the action;
 - or
 - (b) the county ~~where~~ in which 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~~ in which 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

1 (c) the county in which the corporation's resident agent is located, as required by law, or in the
2 first judicial district.

3 (3) If the defendant is a resident of a state other than Montana, the proper place of trial for a tort
4 action is:

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

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

7 (c) the first judicial district."

8 -END-

1 Holding *Wm. E. Bohorski* *Senate* *314* *Ban* *Tosh*
 2 INTRODUCED BY *Curtiss* *Anderson* *Ellis* *Harp* *Benn* *Benedict*
 3 *Keenan* *Thomas* *Grady* *Grindor* *Ho* *Heland* *Clark*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING GENERAL VENUE STATUTES; AND AMENDING
 5 SECTIONS 25-2-118 AND 25-2-122, MGA."
 6 *Branard* *Wynford* *Walt* *Bergman* *McIntosh* *Thur*

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

9 Section 1. Section 25-2-118, MCA, is amended to read:

10 "25-2-118. Residence of defendant. ~~Unless otherwise specified in this part:~~

11 (1) ~~except~~ Except as provided in subsection (3), the proper place of trial for all civil actions is the
 12 county in which the defendants or any of them ~~may~~ reside at the commencement of the action;

13 (2) ~~if~~ If none of the defendants reside in the state, the proper place of trial is ~~any county the~~
 14 ~~plaintiff designates in the complaint~~ for a contract action is as provided in 25-2-121(1)(b) or (2) and the
 15 proper place of trial for a tort action is as provided in 25-2-122(2) or (3).

16 (3) ~~the~~ The proper place of trial ~~of~~ for an action brought pursuant to Title 40, chapter 4, is the
 17 county in which the petitioner has resided during the 90 days preceding the commencement of the action."

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

20 "25-2-122. Torts. (1) Except as provided in ~~subsection~~ subsections (2) and (3), the proper place
 21 of trial for a tort action is:

22 (a) the county in which the defendants, or any of them, reside at the commencement of the action;
 23 or

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

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

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

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

SENATE BILL NO. 314

INTRODUCED BY CRIPPEN, ANDERSON, ELLIS, HARP, BECK, BENEDICT, JABS, HOLDEN, BAER,
TASH, CRISMORE, THOMAS, CURTISS, GRADY, GRINDE, OHS, FELAND, MOHL, KASTEN, SMITH,
GROSFIELD, KEENAN, BRAINARD, SWYSGOOD, SOFT, BERGMAN, ESTRADA, CLARK, MCNUTT,
AHNER, BOHARSKI, BARNETT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING GENERAL VENUE STATUTES; AND AMENDING
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(1) ~~except~~ Except as provided in subsection (3), the proper place of trial for all civil actions is the county in which the defendants or any of them ~~may~~ reside at the commencement of the action;

(2) ~~if~~ If none of the defendants reside in the state, the proper place of trial ~~is any county the plaintiff designates in the complaint~~ for a contract action is as provided in 25-2-121(1)(b) or (2) and the proper place of trial for a tort action is as provided in 25-2-122(2) or (3).

(3) ~~the~~ The proper place of trial ~~of~~ for an action brought pursuant to Title 40, chapter 4, is the county in which the petitioner has resided during the 90 days preceding the commencement of the action."

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

"25-2-122. Torts. (1) Except as provided in ~~subsection~~ subsections (2) and (3), the proper place of trial for a tort action is:

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

or

(b) the county ~~where~~ in which 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~~ in which the contract was to be performed.

(2) If the defendant is a corporation incorporated in a state other than Montana, the proper place

1 of trial for a tort action is:

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

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

4 (c) the county in which the corporation's resident agent is located, as required by law, ~~or in the~~
5 ~~first judicial district.~~

6 (3) If the defendant is a resident of a state other than Montana, the proper place of trial for a tort
7 action is:

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

9 (b) the county in which the plaintiff resides; ~~or.~~

10 ~~(c) the first judicial district."~~

11 -END-

SENATE BILL NO. 314

INTRODUCED BY CRIPPEN, ANDERSON, ELLIS, HARP, BECK, BENEDICT, JABS, HOLDEN, BAER, TASH, CRISMORE, THOMAS, CURTISS, GRADY, GRINDE, OHS, FELAND, MOHL, KASTEN, SMITH, GROSSFIELD, KEENAN, BRAINARD, SWYSGOOD, SOFT, BERGMAN, ESTRADA, CLARK, MCNUTT, AHNER, BOHARSKI, BARNETT

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

(b) the county ~~where~~ in which 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~~ in which the contract was to be performed.

(2) If the defendant is a corporation incorporated in a state other than Montana, the proper place



1 of trial for a tort action is:

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

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

4 (c) the county in which the corporation's resident agent is located, as required by law, ~~or in the~~
5 ~~first judicial district.~~

6 (3) If the defendant is a resident of a state other than Montana, the proper place of trial for a tort
7 action is:

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

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

10 (c) the first judicial district."

11

-END-