

HOUSE BILL NO. 212

INTRODUCED BY E. BYRNE, S. KELLY, S. KLAKKEN, K. LOVE, T. SHARP, M. THIEL, E. TILLEMAN, J. FULLER, C. HINKLE, R. MARSHALL, N. NICOL, A. REGIER, C. SPRUNGER, C. GLIMM, B. LER, R. MINER, J. SCHILLINGER, J. ETCHART, L. DEMING, B. USHER, B. MITCHELL, M. NOLAND, G. PARRY, Z. WIRTH, B. BEARD, J. HINKLE, J. DARLING, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE LIABILITY OF AGRICULTURAL VEHICLES OPERATED ON HIGHWAYS; PROVIDING FOR A DUTY OF CARE TOWARD PEOPLE AND LIVESTOCK IN AGRICULTURAL VEHICLES; PROVIDING DEFINITIONS; AMENDING SECTIONS 61-1-101, 61-3-317, 61-5-112, AND 61-8-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**NEW SECTION. Section 1. Limited liability -- agricultural vehicles on highway.** (1) The owner, lessee, or operator of an agricultural vehicle operated on a highway is not liable in tort action for NONECONOMIC damages suffered as a result of an act or omission of the owner, lessee, or operator in excess of \$750,000 for each claim and \$1.5 million for each occurrence. THIS SECTION DOES NOT LIMIT ECONOMIC DAMAGES.

~~(2) — An insurer is not liable for excess damages DAMAGES IN EXCESS OF THE AMOUNTS IDENTIFIED IN SUBSECTION (1) unless the insurer agrees by written endorsement to provide coverage to the owner, lessee, or operator of an agricultural vehicle involved in amounts in excess of a limitation stated in this section, in which case the insurer may not claim the benefits of the limitation specifically waived.~~

~~(3)(2)~~ As used in this section, "agricultural vehicle" means:

- (a) a farm tractor as defined in 61-9-102;
- (b) an implement of husbandry as defined in 61-1-101;
- (c) a self-propelled farm equipment unit;
- (d) a combination of farm tractor and towed unit of farm equipment or implement of husbandry; or
- (e) a vehicle used for hauling hay, straw, or both.

(z) "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-fourth mile or more."

NEW SECTION. Section 7. Codification instruction. ~~[Section 4 SECTIONS 1 AND 2]~~ is ARE intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to ~~[section 4 SECTIONS 1 AND 2]~~.

NEW SECTION. SECTION 8. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

NEW SECTION. SECTION 9. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATIONS.

COORDINATION SECTION. Section 10. Coordination instruction. If House Bill No. 99 and [this act] are passed and approved, and if both contain a section that amends 61-3-317, then [section 4 of this act], amending 61-3-317, is void.

NEW SECTION. Section 11. Applicability. ~~[This act SECTION 1]~~ applies to causes of action that occur FILED on or after [the effective date of this act].

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