

1 _____ BILL NO. _____
2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE STATE AUDITOR

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE LIABILITY PROTECTION
7 GRANTED TO MEMBERS OF THE MONTANA COMPREHENSIVE HEALTH ASSOCIATION AND THE
8 ASSOCIATION, THE BOARD OF DIRECTORS OF THE ASSOCIATION, THE AGENTS AND EMPLOYEES OF
9 THE ASSOCIATION, AND THE COMMISSIONER OF INSURANCE AND THE COMMISSIONER'S
10 REPRESENTATIVES FOR ACTION TAKEN IN CONJUNCTION WITH THE ASSOCIATION; AMENDING
11 SECTION 33-22-1505, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **Section 1.** Section 33-22-1505, MCA, is amended to read:

16 **"33-22-1505. Liability of association membership.** No member of the association is liable for the
17 actions of the association or its lead carrier. There is no liability on the part of and a cause of action of any nature
18 may not be brought against any member insurer or its agents or employees, the association or the association's
19 agents or employees, members of the board of directors, or the commissioner or the commissioner's
20 representatives for any action taken by them in the performance of their powers and duties under this part."

21
22 **NEW SECTION. Section 2. Two-thirds vote required.** Because [section 1] limits governmental
23 liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each
24 house of the legislature for passage.

25
26 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

27 - END -