

SENATE BILL NO. 454

INTRODUCED BY R. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CRITERIA FOR WHEN A PERSON MAY REQUEST THE PAYMENT OF COMPENSATORY DAMAGES PRIOR TO THE FINAL ADJUDICATION OF THE PERSON'S CLAIM."

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

NEW SECTION. Section 1. Right to compensatory damages prior to final adjudication of claim.

A person who is entitled to compensatory damages due to an unlawful act or omission of another may request payment of the damages prior to the final adjudication of the person's claim if:

- (1) the claim is for bodily injury for which casualty insurance of the person claimed to be at fault is applicable;
- (2) the liability of the person claimed to be at fault is reasonably clear;
- (3) the request for advance payment is for compensatory damages related to and caused by the unlawful act or omission of the person claimed to be at fault; and
- (4) the person seeking advance payment of compensatory damages does not have any other source for payment of the damages, including but not limited to medical payments coverage, personal injury protection coverage from a motor vehicle policy, health insurance coverage, or workers' compensation coverage.

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

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