

HOUSE BILL NO. 441

INTRODUCED BY S. FITZPATRICK, HOWARD, BLASDEL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTES OF LIMITATION WITH REGARD TO PROPERTY OWNERS; AND AMENDING SECTION 27-2-102, MCA."

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

Section 1. Section 27-2-102, MCA, is amended to read:

"27-2-102. When action commenced. (1) For the purposes of statutes relating to the time within which an action must be commenced:

(a) a claim or cause of action accrues when all elements of the claim or cause exist or have occurred, the right to maintain an action on the claim or cause is complete, and a court or other agency is authorized to accept jurisdiction of the action;

(b) an action is commenced when the complaint is filed.

(2) Unless otherwise provided by statute, the period of limitation begins when the claim or cause of action accrues. Lack of knowledge of the claim or cause of action, or of its accrual, by the party to whom it has accrued does not postpone the beginning of the period of limitation.

(3) The period of limitation does not begin on any claim or cause of action for an injury to person or property until the facts constituting the claim have been discovered or, in the exercise of due diligence, should have been discovered by the injured party if:

(a) the facts constituting the claim are by their nature concealed or self-concealing; or

(b) before, during, or after the act causing the injury, the defendant has taken action ~~which~~ that prevents the injured party from discovering the injury or its cause.

(4) Subsection (3) does not apply to actions involving the limitations contained in 27-2-205.

~~(5) If a property owner fails to bring a claim within the period of limitation, the claim~~ A CLAIM OR CAUSE OF ACTION THAT HAS ACCRUED UNDER THIS SECTION IS NOT BROUGHT WITHIN THE PERIOD OF LIMITATION, THE CLAIM OR CAUSE OF ACTION is barred with respect to the property owner and all subsequent owners of the property."

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