

1 HOUSE BILL NO. 459

2 INTRODUCED BY M. BLASDEL

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COUNTY LIABILITY WITH
5 REGARD TO VOLUNTEERS; PROVIDING A COUNTY WITH IMMUNITY FROM CIVIL LIABILITY FOR
6 PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM THE ACTS OR OMISSIONS OF A
7 VOLUNTEER; AND PROVIDING AN EXCEPTION FOR ACTIONS THAT CONSTITUTE WILLFUL OR WANTON
8 MISCONDUCT."

9

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

11

12 **NEW SECTION. Section 1. Immunity from liability -- county volunteers.** (1) A county is immune from
13 civil liability for personal injury or property damage resulting from the acts or omissions of a volunteer acting within
14 the course and scope of the volunteer's duties. This section does not apply to liability for willful or wanton
15 misconduct.

16 (2) For purposes of this section, "volunteer" means a person who performs services in good faith on
17 behalf of a county without compensation.

18

19 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
20 integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

21

22 **NEW SECTION. Section 3. Two-thirds vote required -- contingent voidness.** Because [section 1]
23 limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the
24 members of each house of the legislature for passage. If [this act] is not approved by at least two-thirds of the
25 members of each house of the legislature, then [section 1] is void.

26

- END -