

## 1 HOUSE BILL NO. 532

2 INTRODUCED BY T. BERRY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTES OF LIMITATION; PROVIDING THAT  
5 DAMAGES DO NOT NEED TO BE FULLY ASCERTAINABLE FOR A CLAIM OR CAUSE OF ACTION TO  
6 ACCRUE; REVISING THE PERIOD OF LIMITATION FOR LEGAL MALPRACTICE ACTIONS; AMENDING  
7 SECTIONS 27-2-102 AND 27-2-206, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

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11 **Section 1.** Section 27-2-102, MCA, is amended to read:  
12 **"27-2-102. When action commenced.** (1) For the purposes of statutes relating to the time within which  
13 an action must be commenced:

14 (a) a claim or cause of action accrues when all elements of the claim or cause exist or have occurred,  
15 the right to maintain an action on the claim or cause is complete, and a court or other agency is authorized to  
16 accept jurisdiction of the action; For accrual purposes, damages need not be fully ascertainable. It is only  
17 required that some form of damage, regardless of nature, has occurred or can be alleged to have occurred.

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

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

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

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

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

28 (4) Subsection (3) does not apply to actions involving the limitations contained in 27-2-205."  
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30 **Section 2.** Section 27-2-206, MCA, is amended to read:

