

1 SENATE BILL NO. 121

2 INTRODUCED BY FIELDER, LARSEN, F. MOORE, TAYLOR, THOMAS, VAN DYK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE CONTRACTUAL PRESUMPTION THAT IN A
5 CONTRACT BETWEEN A GOVERNMENT ENTITY AND A PRIVATE PARTY ALL UNCERTAINTY IS CAUSED
6 BY THE PRIVATE PARTY; AND AMENDING SECTION 28-3-206, MCA."

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

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10 **Section 1.** Section 28-3-206, MCA, is amended to read:
11 **"28-3-206. Uncertainty to be resolved against party causing it.** In cases of uncertainty not removed
12 by parts 1 through 5 of this chapter, the language of a contract should be interpreted most strongly against the
13 party who caused the uncertainty to exist. The promisor is presumed to be ~~such that party, except that in the case~~
14 ~~of a contract between a public officer or body, as such, and a private party, it is presumed that all uncertainty was~~
15 ~~caused by the private party."~~

16 - END -