

SENATE BILL NO. 191

INTRODUCED BY R. JABS, M. HALLIGAN

BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

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A BILL FOR AN ACT ENTITLED: "AN ACT CONFORMING THE STATUTE OF LIMITATIONS FOR COMMENCEMENT OF AN ACTION UPON A JUDGMENT OR DECREE RENDERED IN A COURT NOT OF RECORD TO OTHER LIMITATION PERIODS; AND AMENDING SECTION 27-2-201, MCA."

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

**Section 1.** Section 27-2-201, MCA, is amended to read:

**"27-2-201. Actions upon judgments.** (1) Except as provided in subsections (3) through (5), the period prescribed for the commencement of an action upon a judgment or decree of any court of record of the United States or of any state within the United States is within 10 years.

(2) The period prescribed for the commencement of an action upon a judgment or decree rendered in a court not of record is within 5 6 years. The cause of action is considered, in that case, to have accrued when final judgment was rendered.

(3) The period prescribed for the commencement of an action to collect past-due child support that has accrued after October 1, 1993, under an order entered by a court of record or administrative authority is within 10 years of the termination of support obligation or within 10 years from entry of a lump-sum judgment or order for support arrears, whichever is later.

(4) The period prescribed for the commencement of an action to collect past-due child support that has accrued under a support order issued in another state, in a foreign country, or in a tribal court is as provided in subsection (3) or as provided in the law of the issuing jurisdiction, whichever period is longer.

(5) An action under 46-18-247(3) to enforce an order of restitution entered by a court of record may be commenced at any time within the offender's lifetime during which restitution remains unpaid."

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