

SENATE BILL NO. 148

INTRODUCED BY L. JONES, BERRY, BLASDEL, BUTTREY, HANSEN, KNUDSEN, O'HARA, REICHNER,
C. SMITH, SONJU, TUTVEDT, VANCE, WELBORN, WITTICH

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE AMOUNT OF LOST WAGES AND FRINGE
BENEFITS AN EMPLOYEE MAY BE AWARDED WHEN THE EMPLOYEE HAS BEEN WRONGFULLY
DISCHARGED; AND AMENDING SECTION 39-2-905, MCA."

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

Section 1. Section 39-2-905, MCA, is amended to read:

"39-2-905. Remedies. (1) (a) If an employer has committed a wrongful discharge, the employee may
be awarded lost wages and fringe benefits ~~for a period not to exceed 4 years from in an amount equal to 6~~
~~months of employment for every full year of employment completed by the employee prior to~~ FOR A PERIOD NOT
TO EXCEED 2 YEARS FROM IN AN AMOUNT EQUAL TO ONE-HALF OF THE PERIOD OF TIME THE EMPLOYEE WAS EMPLOYED
PRIOR TO the date of discharge, together with interest on the lost wages and fringe benefits.

~~(b) The total amount awarded in subsection (1)(a) may not exceed the equivalent of 24 months of~~
~~employment.~~

(B) THE TOTAL AMOUNT AWARDED IN SUBSECTION (1)(A) MAY NOT EXCEED THE EQUIVALENT OF 48 MONTHS OF
EMPLOYMENT.

~~(e)(B)(C)~~ Interim earnings ~~and unemployment benefits~~, including amounts the employee could have
earned with reasonable diligence, must be deducted from the amount awarded for lost wages. Before interim
earnings are deducted from lost wages, there must be deducted from the interim earnings any reasonable
amounts expended by the employee in searching for, obtaining, or relocating to new employment.

(2) The employee may recover punitive damages otherwise allowed by law if it is established by clear
and convincing evidence that the employer engaged in actual fraud or actual malice in the discharge of the
employee in violation of 39-2-904(1)(a).

(3) There is no right under any legal theory to damages for wrongful discharge under this part for pain
and suffering, emotional distress, compensatory damages, punitive damages, or any other form of damages,
except as provided for in subsections (1) and (2)."

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