1   HOUSE BILL NO. 551

2   INTRODUCED BY A. OLSEN

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4   A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CLAIMANT TO REQUEST AND RECEIVE

5   INFORMATION ON A TORTFEASOR'S LIABILITY INSURANCE LIMITS BEFORE INITIATING LITIGATION;

6   PROVIDING THAT IN ANY SUBSEQUENT LITIGATION, A COURT MAY IMPOSE SANCTIONS FOR

7   FAILURE TO COMPLY WITH PREFILING A REQUEST; AND PROVIDING AN IMMEDIATE EFFECTIVE

8   DATE."

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

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12   NEW SECTION. **Section 1.   Prefiling request for insurance information.** (1) Prior to filing an action

13   in district court to recover damages for personal injury or wrongful death, the claimant may at any time serve on

14   the insurer of a potentially responsible party a request for a statement setting forth the existence of and limits of

15   any liability insurance agreement that may be available to:

16   (a)   satisfy part or all of a judgment that may be entered in a subsequently filed action; or

17   (b)   indemnify or reimburse for payments made to satisfy a judgment against the party.

18   (2)   The request must be signed by the attorney for the requesting party, or by the requesting party if

19   unrepresented, and must include a statement that:

20   (a)   the request is made for the purpose of evaluating a claim for personal injury or death;

21   (b)   to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the

22   claim is well-grounded in fact and is warranted by existing law or a good faith argument for the extension,

23   modification, or reversal of existing law; and

24   (c)   the request is not interposed for any improper purpose, such as to harass or to cause

25   unnecessary delay or needlessly increase the cost of litigation.

26   (3)   The insurer shall reply with a responsive statement as to the existence of and limits of insurance

27   within 45 days after service of the request. If a response is not served, the claimant, on notice to the insurer,

28   may petition the court in which an action is subsequently filed to impose sanctions on the insurer for failure to

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1   comply. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence

2   at trial. For the purposes of this section, an application for insurance may not be treated as part of an insurance

3   agreement.

4   (4)   Disclosure of information by an insurer pursuant to subsection (1) must be made in accordance

5   with the provisions of the Insurance Information and Privacy Protection Act, Title 33, chapter 19.

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7   NEW SECTION. **Section 2.   Codification instruction.** [Section 1] is intended to be codified as an

8   integral part of Title 27, chapter 1, part 2, and the provisions of Title 27, chapter 1, part 2, apply to [section 1].

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10   NEW SECTION. **Section 3.   Effective date.** [This act] is effective on passage and approval.

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