

SENATE BILL NO. 143

INTRODUCED BY G. HERTZ, D. FERN

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATUTE OF LIMITATIONS LAWS; REVISING LAWS RELATING TO COMMENCEMENT OF ACTIONS BASED ON CONTRACT, COVENANT, OBLIGATION, OR LIABILITY FOUNDED ON AN INSTRUMENT; REVISING LAWS RELATING TO COMMENCEMENT OF ACTIONS FOR DAMAGES ARISING OUT OF WORK ON IMPROVEMENTS TO REAL PROPERTY OR LAND SURVEYING; AMENDING SECTIONS 27-2-202 AND 27-2-208, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 27-2-202, MCA, is amended to read:

"27-2-202. Actions based on contract or other obligation. (1) The period prescribed for the commencement of an action on any contract, covenant, obligation, or liability founded on an instrument in writing is within 8-6 years.

(2) The period prescribed for the commencement of an action on a contract, account, or promise not founded on an instrument in writing is within 5 years.

(3) The period prescribed for the commencement of an action on an obligation or liability, other than a contract, account, or promise, not founded on an instrument in writing is within 3 years."

Section 2. Section 27-2-208, MCA, is amended to read:

"27-2-208. Actions for damages arising out of work on improvements to real property or land surveying. (1) Except as provided in 70-19-427(1) and subsections (2) and (3) of this section, an action to recover damages (other than an action ~~upon~~on any contract, obligation, or liability founded ~~upon~~on an instrument in writing) resulting from or arising out of the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property or resulting from or arising out of land surveying of real property may not be commenced more than 40-6 years after completion of the improvement or

1 land surveying.

2 (2) Notwithstanding the provisions of subsection (1), an action for damages for an injury that
3 occurred during the ~~40th~~sixth year after the completion of the improvement or land surveying may be
4 commenced within 1 year after the occurrence of the injury.

5 (3) The limitation prescribed by this section may not affect the responsibility of any owner, tenant,
6 or person in actual possession and control of the improvement or real property that is surveyed at the time a
7 right of action arises.

8 (4) As used in this section:

9 (a) "completion" means that degree of completion at which the owner can utilize the improvement
10 for the purpose for which it was intended or when a completion certificate is executed, whichever is earlier;

11 (b) "land surveying" means the practice of land surveying, as defined in 37-67-101.

12 (5) This section may not be construed as extending the period prescribed by the laws of this state
13 for the bringing of any action."

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15 NEW SECTION. Section 3. Applicability. [This act] applies to actions to recover damages for on any
16 contract, covenant, obligation, or liability founded on an instrument in writing that are filed on or after October 1,
17 2025.

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