

SENATE BILL NO. 221

INTRODUCED BY S. FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PRESUMPTION THAT DAMAGE CAUSED BY A CONSTRUCTION PROFESSIONAL IS AN ACCIDENT RELATING TO LIABILITY INSURANCE POLICIES ISSUED TO CONSTRUCTION PROFESSIONALS."

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

NEW SECTION. Section 1. Construction professional -- damage presumption. (1) In interpreting a liability insurance policy issued to a construction professional, a court shall presume that the work of a construction professional that results in property damage, including damage to the work itself or other work, is an accident unless the property damage is intended and expected by the insured.

(2) Nothing in this section requires coverage for damage to an insured's own work unless otherwise provided in the insurance policy or creates insurance coverage that is not included in the insurance policy.

(3) For purposes of this section, the term "construction professional" means a builder, builder vendor, contractor, or subcontractor performing or furnishing the supervision of the construction or remodeling of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 26, and the provisions of Title 26 apply to [section 1].

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