



A. Statute of Limitations

- **Personal Injury:** Three years. Mont. Code § 27-2-204.
- **Property Damage:** Two years. Mont. Code § 27-2-207.
- **PIP Subrogation:** Three years. Mont. Code § 33-23-201.
- **Wrongful Death:** Three years. Mont. Code § 27-1-513.
- **No-Fault:** Montana is an at-fault state.
- **Action Against Municipality:** Six Mont. Code § 27-2-209.

B. Comparative Negligence

- Montana negligence laws follow the doctrine of modified comparative negligence which means that the person asking for damages in a lawsuit has to be less responsible for the accident than the person who allegedly caused the accident. Mont. Code § 27-1-701.

C. Joint and Several Liability

- Montana law provides that any defendant who is more than 50% at fault incurs joint and several liability to the plaintiff. However, this rule does not apply to a defendant whose negligence is “determined to be 50% or less.” These defendants are only responsible for an award up to their percentage of fault. Mont. Code § 27-1-705.

D. Non-Economic Damages

- Cap on non-economic damages set at \$250,000.
- Mont. Code § 27-1-702.

E. PIP Subrogation

- In Montana, § 33-23-201 permits “reasonable subrogation clauses” in auto policies. Under Montana public policy, an insured must be made whole before an insurer can pursue subrogation provided under an auto policy’s subrogation clause, and nothing in § 33-23-201 permitting “reasonable subrogation clauses” alters that equitable doctrine. However, equitable subrogation is still considered against public policy.

F. Graves Amendment

- Under the Graves Amendment, the owner of a leased vehicle cannot be held vicariously liable for the negligent operation of that vehicle. This holds true in Montana as well as decided by *Smith v. Babcock*, 482 P.2d 1014 (1971) (explaining that contributory negligence of a driver cannot be imputed to owner in owner's suit against the tortfeasor).

