

HOUSE BILL NO. 619
INTRODUCED BY HANNAH

IN THE HOUSE

February 3, 1983	Introduced and referred to Committee on Judiciary.
February 9, 1983	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 11, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Judiciary.
March 10, 1983	Committee recommend bill be concurred in. Report adopted.
March 11, 1983	Second reading, concurred in.
March 14, 1983	Third reading, concurred in. Ayes, 45; Noes, 3.

IN THE HOUSE

March 14, 1983	Returned to House.
March 15, 1983	Sent to enrolling. Reported correctly enrolled.

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A LANDLORD TO
 5 TERMINATE A TENANCY ON 3 DAYS' WRITTEN NOTICE IF THE TENANT
 6 DAMAGES OR REMOVES PART OF THE PREMISES; AMENDING SECTION
 7 70-24-422, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 70-24-422, MCA, is amended to read:
 11 "70-24-422. Noncompliance of tenant generally --
 12 landlord's right of termination -- damages -- injunction.
 13 (1) Except as provided in this chapter, if there is a
 14 noncompliance by the tenant with the rental agreement or a
 15 noncompliance with 70-24-321 affecting health and safety,
 16 the landlord may deliver a written notice to the tenant
 17 pursuant to 70-24-108 specifying the acts and omissions
 18 constituting the breach and that the rental agreement will
 19 terminate upon a date not less than 14 days after receipt of
 20 the notice. If the breach is not remedied within that time,
 21 the rental agreement terminates as provided in the notice
 22 subject to the following exceptions:
 23 (a) If the breach is remediable by repairs, the
 24 payment of damages, or otherwise and the tenant adequately
 25 remedies the breach before the date specified in the notice,

1 the rental agreement does not terminate.
 2 (b) If substantially the same act or omission which
 3 constituted a prior noncompliance of which notice was given
 4 recurs within 6 months, the landlord may terminate the
 5 rental agreement upon at least 5 days' written notice
 6 specifying the breach and the date of the termination of the
 7 rental agreement.
 8 (2) If rent is unpaid when due and the tenant fails to
 9 pay rent within 3 days after written notice by the landlord
 10 of nonpayment and his intention to terminate the rental
 11 agreement if the rent is not paid within that period, the
 12 landlord may terminate the rental agreement.
 13 ~~(3) If the tenant destroys, defaces, damages, impairs,~~
 14 ~~or removes any part of the premises in violation of~~
 15 ~~70-24-321(2), the landlord may terminate the rental~~
 16 ~~agreement upon giving 3 days' written notice specifying the~~
 17 ~~breach under the provisions of 70-24-321(2).~~
 18 ~~(3)(4)~~ Except as provided in this chapter, the
 19 landlord may recover actual damages and obtain injunctive
 20 relief for any noncompliance by the tenant with the rental
 21 agreement or 70-24-321. If the tenant's noncompliance is
 22 purposeful, the landlord may recover treble damages."

-End-

Approved by Committee
on Judiciary

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(1) Except as provided in this chapter, if there is a noncompliance by the tenant with the rental agreement or a noncompliance with 70-24-321 affecting health and safety, the landlord may deliver a written notice to the tenant pursuant to 70-24-108 specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than 14 days after receipt of the notice. If the breach is not remedied within that time, the rental agreement terminates as provided in the notice subject to the following exceptions:

(a) If the breach is remediable by repairs, the payment of damages, or otherwise and the tenant adequately remedies the breach before the date specified in the notice,

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(b) If substantially the same act or omission which constituted a prior noncompliance of which notice was given recurs within 6 months, the landlord may terminate the rental agreement upon at least 5 days' written notice specifying the breach and the date of the termination of the rental agreement.

(2) If rent is unpaid when due and the tenant fails to pay rent within 3 days after written notice by the landlord of nonpayment and his intention to terminate the rental agreement if the rent is not paid within that period, the landlord may terminate the rental agreement.

~~(3) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days' written notice specifying the breach under the provisions of 70-24-321(2).~~

~~(3)(4)~~ Except as provided in this chapter, the landlord may recover actual damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. If the tenant's noncompliance is purposeful, the landlord may recover treble damages."

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