

HOUSE BILL NO. 83

1/07 Introduced
1/07 Referred to Judiciary
1/08 Hearing
1/12 Adverse Committee Report
1/14 Bill Killed

1 HOUSE BILL NO. 83
2 INTRODUCED BY HARPER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
5 LANDLORD MAY APPLY FOR A RESTRAINING ORDER WITHOUT NOTICE TO
6 THE TENANT IN ORDER TO PREVENT FURTHER DAMAGE TO HIS
7 PROPERTY WHEN THE LANDLORD IS SEEKING TERMINATION OF THE
8 RENTAL AGREEMENT BECAUSE OF DAMAGE OR DESTRUCTION; AMENDING
9 SECTION 70-24-422, MCA."

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

12 Section 1. Section 70-24-422, MCA, is amended to read:

13 *70-24-422. Noncompliance of tenant generally --
14 landlord's right of termination -- damages -- injunction.

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

25 (a) If the breach is remediable by repairs, the

1 payment of damages, or otherwise and the tenant adequately
2 remedies the breach before the date specified in the notice,
3 the rental agreement does not terminate.

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

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

15 (3) If the tenant destroys, defaces, damages, impairs,
16 or removes any part of the premises in violation of
17 70-24-321(2), the landlord may terminate the rental
18 agreement upon giving 3 days' written notice specifying the
19 breach under the provisions of 70-24-321(2). In order to
20 prevent further damage during the 3-day period, the landlord
21 may apply for a restraining order pursuant to 27-19-315. The
22 tenant must be served with the restraining order at the time
23 of or before receiving the 3-day notice under this
24 subsection.

25 (4) Except as provided in this chapter, the landlord



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1 may recover actual damages and obtain injunctive relief for
2 any noncompliance by the tenant with the rental agreement or
3 70-24-321. If the tenant's noncompliance is purposeful, the
4 landlord may recover treble damages."

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