

HOUSE BILL NO. 340

INTRODUCED BY RAMIREZ, GARCIA

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
February 5, 1985	Committee recommend bill do pass as amended. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 8, 1985	Second reading, do pass.
February 9, 1985	Considered correctly engrossed.
February 11, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1985	Introduced and referred to Committee on Judiciary.
March 21, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 27, 1985	Received from Senate.
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April 4, 1985

Second reading, amendments
concurrent in.

April 5, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 340
 2 INTRODUCED BY Ramirez Garcia

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 LAW PERTAINING TO DISPOSITION OF PERSONAL PROPERTY ABANDONED
 6 BY A TENANT AFTER TERMINATION; AMENDING SECTION 70-24-430,
 7 MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 70-24-430, MCA, is amended to read:
 11 "70-24-430. Disposition of personal property abandoned
 12 by tenant after termination. (1) If a tenancy terminates in
 13 any manner except by court order and the landlord reasonably
 14 believes the tenant has abandoned all personal property
 15 which the tenant has left on the premises, the landlord
 16 shall:

17 ~~(a) make reasonable attempts to notify the tenant in~~
 18 ~~writing that the property must be removed;~~

19 ~~(i) from the premises; or~~

20 ~~(ii) from the place of safekeeping if the landlord has~~
 21 ~~stored the goods as provided in subsection (3) of this~~
 22 ~~section; and~~

23 ~~(b) specify a day not less than 15 days after delivery~~
 24 ~~of a notice mailed by certified mail to the last known~~
 25 ~~address of the tenant; at which specified time the property~~

1 ~~will be disposed of if not removed;~~
 2 ~~(2) The landlord may dispose of the property by:~~
 3 ~~(a) selling all or part of the property at a public or~~
 4 ~~private sale; or~~
 5 ~~(b) destroying or otherwise disposing of all or part~~
 6 ~~of the property if he reasonably believes the value of the~~
 7 ~~property is so low that the cost of storage or sale exceeds~~
 8 ~~the reasonable value thereof; and a period of time of at~~
 9 ~~least 10 days has elapsed since the occurrence of events~~
 10 ~~upon which the landlord formed that belief, the landlord may~~
 11 ~~remove the property from the premises.~~

12 ~~(3)(2) After notifying the tenant as required by~~
 13 ~~subsection (1) of this section, the~~ The landlord shall
 14 ~~inventory and store all goods, chattels, and personal~~
 15 ~~property of the tenant in a place of safekeeping and shall~~
 16 ~~exercise reasonable care for the property. The landlord may~~
 17 ~~charge a reasonable storage charge if the property is stored~~
 18 ~~by the landlord, plus the cost of removal of the property to~~
 19 ~~the place of storage. The landlord may store the property in~~
 20 ~~a commercial storage company, in which case the storage cost~~
 21 ~~includes the actual storage charge plus the cost of removal~~
 22 ~~of the property to the place of storage.~~

23 ~~(3) After complying with subsections (1) and (2), the~~
 24 ~~landlord shall:~~

25 ~~(a) make a reasonable attempt to notify the tenant in~~

1 writing that the property must be removed from the place of
2 safekeeping;

3 (b) notify the local law enforcement office of the
4 property held by the landlord;

5 (c) make a reasonable effort to determine if the
6 property is secured or otherwise encumbered; and

7 (d) send a notice by certified mail to the last-known
8 address of the tenant, stating that at a specified time, not
9 less than 15 days after mailing the notice, the property
10 will be disposed of if not removed.

11 (4) The landlord may dispose of the property after
12 complying with subsection (3) by:

13 (a) selling all or part of the property at a public or
14 private sale; or

15 (b) destroying or otherwise disposing of all or part
16 of the property if he reasonably believes the value of the
17 property is so low that the cost of storage or sale exceeds
18 the reasonable value thereof.

19 ~~(4)(5)~~ If the tenant, upon receipt of the notice
20 provided in subsection ~~(1)~~-of-this-section (3), responds in
21 writing to the landlord on or before the day specified in
22 the notice that he intends to remove his property and does
23 not do so within 15 days after delivery of the tenant's
24 response, the tenant's property shall be conclusively
25 presumed to be abandoned. If the tenant removes the

1 property, the landlord is entitled to ~~reasonable--or--actual~~
2 storage costs for the period the property remains in
3 safekeeping plus the cost of removal of the property to the
4 place of storage. Reasonable storage costs are allowed a
5 landlord who stores the property himself, and actual storage
6 costs are allowed a landlord who stores the property in a
7 commercial storage company.

8 ~~(5)(6)~~ The landlord is not responsible for any loss to
9 the tenant resulting from storage unless the loss is caused
10 by the landlord's purposeful or negligent act. On the event
11 of purposeful violation, the landlord is liable for double
12 damages.

13 ~~(6)(7)~~ A public or private sale authorized by this
14 section shall be conducted under the provisions of
15 30-9-504(3) or the sheriff's sale provisions of Title 25,
16 chapter 13, part 7.

17 ~~(7)(8)~~ The landlord may deduct from the proceeds of
18 the sale the reasonable costs of notice, storage, and sale
19 and any delinquent rent owing on the premises and must remit
20 to the tenant the remaining proceeds, if any, together with
21 an itemized accounting. If the tenant cannot after due
22 diligence be found, the remaining proceeds shall be
23 deposited with the county treasurer of the county in which
24 the sale occurred and, if not claimed within 3 years, shall
25 revert to the general fund of the county available for

LC 0777/01

1 general purposes."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 340

INTRODUCED BY RAMIREZ, GARCIA

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
LAW PERTAINING TO DISPOSITION OF PERSONAL PROPERTY ABANDONED
BY A TENANT AFTER TERMINATION; AMENDING SECTION 70-24-430,
MCA."

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

Section 1. Section 70-24-430, MCA, is amended to read:

"70-24-430. Disposition of personal property abandoned
by tenant after termination. (1) If a tenancy terminates in
any manner except by court order and the landlord reasonably
believes the tenant has abandoned all personal property
which the tenant has left on the premises, the landlord
shall:

(a) make reasonable attempts to notify the tenant in
writing that the property must be removed:

(i) from the premises; or

(ii) from the place of safekeeping if the landlord has
stored the goods as provided in subsection (3) of this
section; and

(b) specify a day not less than 15 days after delivery
of a notice mailed by certified mail to the last known
address of the tenant, at which specified time the property

~~will be disposed of if not removed;~~

~~(2) The landlord may dispose of the property by:~~

~~(a) selling all or part of the property at a public or
private sale; or~~

~~(b) destroying or otherwise disposing of all or part
of the property if he reasonably believes the value of the
property is so low that the cost of storage or sale exceeds
the reasonable value thereof, and a period of time of at
least 10 5 days has elapsed since the occurrence of events
upon which the landlord formed that belief, the landlord may
remove the property from the premises.~~

~~(3)(2) After notifying the tenant as required by
subsection (1) of this section, the The landlord shall
inventory and store all goods, chattels, and personal
property of the tenant in a place of safekeeping and shall
exercise reasonable care for the property. The landlord may
charge a reasonable storage charge if the property is stored
by the landlord, plus the cost of removal of the property to
the place of storage. The landlord may store the property in
a commercial storage company, in which case the storage cost
includes the actual storage charge plus the cost of removal
of the property to the place of storage.~~

~~(3) After complying with subsections (1) and (2), the
landlord shall:~~

~~(a) make a reasonable attempt to notify the tenant in~~



1 writing that the property must be removed from the place of
2 safekeeping;

3 (b) notify the local law enforcement office of the
4 property held by the landlord;

5 (c) make a reasonable effort to determine if the
6 property is secured or otherwise encumbered; and

7 (d) send a notice by certified mail to the last-known
8 address of the tenant, stating that at a specified time, not
9 less than 15 days after mailing the notice, the property
10 will be disposed of if not removed.

11 (4) The landlord may dispose of the property after
12 complying with subsection (3) by:

13 (a) selling all or part of the property at a public or
14 private sale; or

15 (b) destroying or otherwise disposing of all or part
16 of the property if he reasonably believes the value of the
17 property is so low that the cost of storage or sale exceeds
18 the reasonable value thereof.

19 ~~(4)~~(5) If the tenant, upon receipt of the notice
20 provided in subsection ~~(1)~~ of this section (3), responds in
21 writing to the landlord on or before the day specified in
22 the notice that he intends to remove his property and does
23 not do so within 15 days after delivery of the tenant's
24 response, the tenant's property shall be conclusively
25 presumed to be abandoned. If the tenant removes the

1 property, the landlord is entitled to ~~reasonable--or--actual~~
2 storage costs for the period the property remains in
3 safekeeping plus the cost of removal of the property to the
4 place of storage. Reasonable storage costs are allowed a
5 landlord who stores the property himself, and actual storage
6 costs are allowed a landlord who stores the property in a
7 commercial storage company.

8 ~~(5)~~(6) The landlord is not responsible for any loss to
9 the tenant resulting from storage unless the loss is caused
10 by the landlord's purposeful or negligent act. On the event
11 of purposeful violation, the landlord is liable for double
12 damages.

13 ~~(6)~~(7) A public or private sale authorized by this
14 section shall be conducted under the provisions of
15 30-9-504(3) or the sheriff's sale provisions of Title 25,
16 chapter 13, part 7.

17 ~~(7)~~(8) The landlord may deduct from the proceeds of
18 the sale the reasonable costs of notice, storage, and sale
19 and any delinquent rent owing on the premises and must remit
20 to the tenant the remaining proceeds, if any, together with
21 an itemized accounting. If the tenant cannot after due
22 diligence be found, the remaining proceeds shall be
23 deposited with the county treasurer of the county in which
24 the sale occurred and, if not claimed within 3 years, shall
25 revert to the general fund of the county available for

HB 0340/02

1 general purposes."

-End-

HOUSE BILL NO. 340

INTRODUCED BY RAMIREZ, GARCIA

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAW PERTAINING TO DISPOSITION OF PERSONAL PROPERTY ABANDONED BY A TENANT AFTER TERMINATION; AMENDING SECTION 70-24-430, MCA."

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

Section 1. Section 70-24-430, MCA, is amended to read:

"70-24-430. Disposition of personal property abandoned by tenant after termination. (1) If a tenancy terminates in any manner except by court order and the landlord reasonably believes the tenant has abandoned all personal property which the tenant has left on the premises, the landlord shall:

(a) make reasonable attempts to notify the tenant in writing that the property must be removed:

(i) from the premises; or

(ii) from the place of safekeeping if the landlord has stored the goods as provided in subsection (3) of this section; and

(b) specify a day not less than 15 days after delivery of a notice mailed by certified mail to the last known address of the tenant, at which specified time the property

will be disposed of if not removed.

(2) The landlord may dispose of the property by:

(a) selling all or part of the property at a public or private sale; or

(b) destroying or otherwise disposing of all or part of the property if he reasonably believes the value of the property is so low that the cost of storage or sale exceeds the reasonable value thereof; and a period of time of at least 10 5 days has elapsed since the occurrence of events upon which the landlord formed that belief, the landlord may remove the property from the premises.

(3)(2) After notifying the tenant as required by subsection (1) of this section, the landlord shall inventory and store all goods, chattels, and personal property of the tenant in a place of safekeeping and shall exercise reasonable care for the property. The landlord may charge a reasonable storage charge if the property is stored by the landlord, plus the cost of removal of the property to the place of storage. The landlord may store the property in a commercial storage company, in which case the storage cost includes the actual storage charge plus the cost of removal of the property to the place of storage.

(3) After complying with subsections (1) and (2), the landlord shall:

(a) make a reasonable attempt to notify the tenant in



1 writing that the property must be removed from the place of
2 safekeeping;

3 (b) notify the local law enforcement office of the
4 property held by the landlord;

5 (c) make a reasonable effort to determine if the
6 property is secured or otherwise encumbered; and

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8 address of the tenant, stating that at a specified time, not
9 less than 15 days after mailing the notice, the property
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12 complying with subsection (3) by:

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14 private sale; or

15 (b) destroying or otherwise disposing of all or part
16 of the property if he reasonably believes the value of the
17 property is so low that the cost of storage or sale exceeds
18 the reasonable value thereof.

19 (4)(5) If the tenant, upon receipt of the notice
20 provided in subsection (1)-(3), responds in
21 writing to the landlord on or before the day specified in
22 the notice that he intends to remove his property and does
23 not do so within 15 days after delivery of the tenant's
24 response, the tenant's property shall be conclusively
25 presumed to be abandoned. If the tenant removes the

1 property, the landlord is entitled to reasonable--or--actual
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4 place of storage. Reasonable storage costs are allowed a
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14 section shall be conducted under the provisions of
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16 chapter 13, part 7.

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18 the sale the reasonable costs of notice, storage, and sale
19 and any delinquent rent owing on the premises and must remit
20 to the tenant the remaining proceeds, if any, together with
21 an itemized accounting. If the tenant cannot after due
22 diligence be found, the remaining proceeds shall be
23 deposited with the county treasurer of the county in which
24 the sale occurred and, if not claimed within 3 years, shall
25 revert to the general fund of the county available for

HB 0340/02

1 general purposes."

-End-

STANDING COMMITTEE REPORT

SENATE

March 21 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 340

third reading copy (blue)
color

(Senator Mazurek)

AMENDS LAWS ON DISPOSITION OF PROPERTY ABANDONED BY A TENANT
AFTER VACATIONS

Respectfully report as follows: That HOUSE BILL No. 340

be amended as follows:

1. Page 4, line 7.

Following: "company."

Insert: "A landlord is entitled to payment of the storage costs allowed
under this subsection before the tenant may remove the property."

2. Page 4, line 19.

Following: "rent"

Insert: "or damages"

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek

Chairman.

1 HOUSE BILL NO. 340

2 INTRODUCED BY RAMIREZ, GARCIA

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
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1 ~~will be disposed of if not removed.~~2 ~~(2) The landlord may dispose of the property by:~~

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25 presumed to be abandoned. If the tenant removes the

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3 safekeeping plus the cost of removal of the property to the
4 place of storage. Reasonable storage costs are allowed a
5 landlord who stores the property himself, and actual storage
6 costs are allowed a landlord who stores the property in a
7 commercial storage company. A LANDLORD IS ENTITLED TO
8 PAYMENT OF THE STORAGE COSTS ALLOWED UNDER THIS SUBSECTION
9 BEFORE THE TENANT MAY REMOVE THE PROPERTY.

10 ~~(6)~~ (6) The landlord is not responsible for any loss to
11 the tenant resulting from storage unless the loss is caused
12 by the landlord's purposeful or negligent act. On the event
13 of purposeful violation, the landlord is liable for double
14 damages.

15 ~~(7)~~ (7) A public or private sale authorized by this
16 section shall be conducted under the provisions of
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18 chapter 13, part 7.

19 ~~(8)~~ (8) The landlord may deduct from the proceeds of
20 the sale the reasonable costs of notice, storage, and sale
21 and any delinquent rent OR DAMAGES owing on the premises and
22 must remit to the tenant the remaining proceeds, if any,
23 together with an itemized accounting. If the tenant cannot
24 after due diligence be found, the remaining proceeds shall
25 be deposited with the county treasurer of the county in

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1 which the sale occurred and, if not claimed within 3 years,
2 shall revert to the general fund of the county available for
3 general purposes."

-End-