

HOUSE BILL NO. 360

INTRODUCED BY J. HAMMOND, GARCIA,
PECK, FULLER, KADAS

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Business and Labor.
January 26, 1985	Rereferred to Committee on Judiciary.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass. Considered correctly engrossed.
February 19, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 21, 1985	Introduced and referred to Committee on Business and Industry.
March 13, 1985	Committee recommend bill be concurred in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 44; Noes, 5. Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 360
 2 INTRODUCED BY Jeff Hammond Rep
 3 Julia Kadon
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM 3 TO
 5 30 DAYS THE NOTICE PERIOD FOR TERMINATION OF A MOBILE HOME
 6 SPACE RENTAL AGREEMENT UPON FAILURE OF A TENANT TO PAY RENT
 7 WHEN DUE; AMENDING SECTION 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 (a) Except as provided in subsection (2)(b),
 9 if rent is unpaid when due and the tenant fails to pay rent
 10 within 3 days after written notice by the landlord of
 11 nonpayment and his intention to terminate the rental
 12 agreement if the rent is not paid within that period, the
 13 landlord may terminate the rental agreement.
 14 (b) For a rental agreement involving a tenant who
 15 rents space to park a mobile home but who does not rent the
 16 mobile home, the notice period referred to in subsection
 17 (2)(a) is 30 days.
 18 (3) If the tenant destroys, defaces, damages, impairs,
 19 or removes any part of the premises in violation of
 20 70-24-321(2), the landlord may terminate the rental
 21 agreement upon giving 3 days' written notice specifying the
 22 breach under the provisions of 70-24-321(2).
 23 (4) Except as provided in this chapter, the landlord
 24 may recover actual damages and obtain injunctive relief for
 25 any noncompliance by the tenant with the rental agreement or



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- 1 70-24-321. If the tenant's noncompliance is purposeful, the
- 2 landlord may recover treble damages."

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 360

INTRODUCED BY J. HAMMOND, GARCIA,

PECK, FULLER, KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE FROM 3 TO
30 15 DAYS THE NOTICE PERIOD FOR TERMINATION OF A MOBILE
HOME SPACE RENTAL AGREEMENT UPON FAILURE OF A TENANT TO PAY
RENT WHEN DUE; AMENDING SECTION 70-24-422, MCA."

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

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

"70-24-422. Noncompliance of tenant generally --
landlord's right of termination -- damages -- injunction.
(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,
the rental agreement does not terminate.

(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 (a) Except as provided in subsection (2)(b),
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.

(b) For a rental agreement involving a tenant who
rents space to park a mobile home but who does not rent the
mobile home, the notice period referred to in subsection
(2)(a) is 30 15 days.

(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).

(4) Except as provided in this chapter, the landlord
may recover actual damages and obtain injunctive relief for



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

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18 pursuant to 70-24-108 specifying the acts and omissions
19 constituting the breach and that the rental agreement will
20 terminate upon a date not less than 14 days after receipt of
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22 the rental agreement terminates as provided in the notice
23 subject to the following exceptions:

24 (a) If the breach is remediable by repairs, the
25 payment of damages, or otherwise and the tenant adequately

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6 rental agreement upon at least 5 days' written notice
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8 rental agreement.

9 (2) ~~ff~~ (a) Except as provided in subsection (2)(b),
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11 within 3 days after written notice by the landlord of
12 nonpayment and his intention to terminate the rental
13 agreement if the rent is not paid within that period, the
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15 (b) For a rental agreement involving a tenant who
16 rents space to park a mobile home but who does not rent the
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18 (2)(a) is ~~30~~ 15 days.

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20 or removes any part of the premises in violation of
21 70-24-321(2), the landlord may terminate the rental
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23 breach under the provisions of 70-24-321(2).

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