HOUSE BILL NO. 626

INTRODUCED BY FRITZ

IN THE HOUSE

FEBRUARY 4, 1987	ON MOTION, RULES SUSPENDED TO ALLOW INTRODUCTION OF HB NO. 626.
FEBRUARY 5, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
FEBRUARY 12, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 13, 1987	PRINTING REPORT.
FEBRUARY 14, 1987	SECOND READING, DO PASS.
FEBRUARY 16, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 86; NOES, 6.
	TRANSMITTED TO SENATE.
IN	THE SENATE
FEBRUARY 17, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
MARCH 23, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1987 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 9, 1987 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

1	1 House BILL NO. 626
2	INTRODUCED BY
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A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE ABANDONMENT OR EARLY TERMINATION OF TENANCY AS GROUNDS FOR A LANDLORD TO RECOVER TREBLE DAMAGES FROM A TENANT; AND 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) (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 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 any noncompliance by the tenant with the rental agreement or

- 1 70-24-321. If Except as provided in subsection (5), if the
- 2 tenant's noncompliance is purposeful, the landlord may
- 3 recover treble damages.
- 4 (5) Treble damages may not be recovered for the
- 5 tenant's abandonment of the rental unit or early termination
- 6 of the tenancy."

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APPROVED BY COMM. ON BUSINESS AND LABOR

House BILL NO. 626 1 INTRODUCED BY 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE ABANDONMENT 5 OR EARLY TERMINATION OF TENANCY AS GROUNDS FOR A LANDLORD TO 6 RECOVER TREBLE DAMAGES FROM A TENANT; AND AMENDING SECTION 70-24-422, MCA." 7 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 70-24-422, MCA, is amended to read: 10 11 "70-24-422. Noncompliance of tenant generally -landlord's right of termination -- damages -- injunction. 12 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

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) (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 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).
- 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

- 1 70-24-321. If Except as provided in subsection (5), if the
- 2 tenant's noncompliance is purposeful, the landlord may
- 3 recover treble damages.
- 4 (5) Treble damages may not be recovered for the
- 5 tenant's abandonment of the rental unit or early termination
- 6 of the tenancy."

1 House BILL NO. 62,
2 INTRODUCED BY FILE

INTRODUCED

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE ABANDONMENT OR EARLY TERMINATION OF TENANCY AS GROUNDS FOR A LANDLORD TO RECOVER TREBLE DAMAGES FROM A TENANT; AND 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 menths, 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) (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.
- 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 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).
- 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

- 1 70-24-321. If Except as provided in subsection (5), if the
- tenant's noncompliance is purposeful, the landlord may
- 3 recover treble damages.
- 4 (5) Treble damages may not be recovered for the
- tenant's abandonment of the rental unit or early termination
- 6 of the tenancy."

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1	HOUSE BILL NO. 626
2	INTRODUCED BY FRITZ
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE ABANDONMENT
5	OR EARLY TERMINATION OF TENANCY AS GROUNDS FOR A LANDLORD TO
6	RECOVER TREBLE DAMAGES FROM A TENANT; AND 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 \boldsymbol{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.
- (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) (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.
- 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 15 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 Except as provided in subsection (5), if the
- tenant's noncompliance is purposeful, the landlord may
- 3 recover treble damages.
- 4 (5) Treble damages may not be recovered for the
- 5 tenant's abandonment-of-the-rental-unit-or early termination
- 6 of the tenancy."

STANDING COMMITTEE REPORT

	SENATE	MARCH 20, 19 87
MR. PRESI	DENT	
We, γοι	ur committee on	BUSINESS AND INDUSTRY
having had	under consideration	HOUSE BILL No. 626
THI	RD reading copy (BLUE) color
FRI	TZ (BOYLAN)	
LIM	IT CAUSES FOR LANDLO	ORDS' RECOVERY OF TRABLE DAMAGES
Respectful	ly report as follows: That	HOUSE -BILL No. 626
be	amended as follows:	
1.	Title, lines 4 and Strike: "ABANDONME	
2.		ent of the rental unit or"

AND AS AMENDED,

BE CONCURRED IN

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XXXXXXXXXXXX

SENATOR ALLEN C. KOLSTAD, Chairman.