

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 *House* BILL NO. *626*
 2 INTRODUCED BY *Friday*
 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
 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) (a) Except as provided in subsection (2)(b), if
 9 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 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

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."

-End-

APPROVED BY COMM. ON BUSINESS AND LABOR

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2 INTRODUCED BY [Signature]
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LC 1537/01

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-End-

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-End-

STANDING COMMITTEE REPORT

SENATE

MARCH 20, 19 87

MR. PRESIDENT

We, your committee on.....BUSINESS AND INDUSTRY.....

having had under consideration.....HOUSE BILL..... No. 626

THIRD reading copy (BLUE)
color

FRITZ (BOYLAN)

LIMIT CAUSES FOR LANDLORDS' RECOVERY OF TRABLE DAMAGES

Respectfully report as follows: That.....HOUSE BILL..... No. 626

be amended as follows:

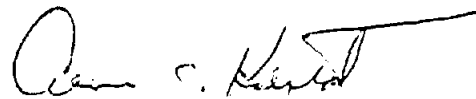
1. Title, lines 4 and 5.
Strike: "ABANDONMENT OR"
2. Page 3, line 5.
Strike: "abandonment of the rental unit or"

AND AS AMENDED,

BE CONCURRED IN

XXXXXX

XXXXXXXXXX



SENATOR ALLEN C. KOLSTAD, Chairman.

5-20-87
5-19-87