

SENATE BILL NO. 251

INTRODUCED BY TOWE
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

JANUARY 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 6, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
FEBRUARY 8, 1993	SECOND READING, DO PASS.
FEBRUARY 9, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 17, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 86; NOES, 14.
MARCH 31, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 3, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. *251*

INTRODUCED BY *Dea*

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW RELATING TO CITY COURT JURISDICTION; PROVIDING FOR THE SERVICE OF A SUMMONS OUTSIDE OF THE COUNTY IN WHICH A CITY COURT IS LOCATED; PROVIDING CONCURRENT JURISDICTION OVER LANDLORD-TENANT MATTERS; AMENDING SECTIONS 25-31-407 AND 70-24-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 25-31-407, MCA, is amended to read:

"25-31-407. Requirements for summons served out of county. When a summons issued by a justice of the peace or city court judge is to be served out of the county in which it was issued, the summons must have attached to it a certificate, under seal by the county clerk of the county in which it was issued, to the effect that the person issuing the summons was an acting justice of the peace or city court judge at the date of the summons."

Section 2. Section 70-24-103, MCA, is amended to read:

"70-24-103. General definitions. Subject to additional definitions contained in subsequent sections and unless the context otherwise requires, in this chapter the following

definitions apply:

(1) "Action" includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in which rights are determined, including an action for possession.

(2) "Court" means the appropriate district court, or the-appropriate justice's court, or city court.

(3) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by a person who maintains a household or by two or more persons who maintain a common household. "Dwelling unit", in the case of a person who rents space in a mobile home park but does not rent the mobile home, means the space rented and not the mobile home itself.

(4) "Good faith" means honesty in fact in the conduct of the transaction concerned.

(5) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which it is a part and also means a manager of the premises who fails to disclose his managerial position.

(6) "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(7) "Owner" means one or more persons, jointly or

1 severally, in whom is vested all or part of:

2 (a) the legal title to property; or
3 (b) the beneficial ownership and a right to present use
4 and enjoyment of the premises, including a mortgagee in
5 possession.

6 (8) "Person" includes an individual or organization.

7 (9) "Premises" means a dwelling unit and the structure
8 of which it is a part, the facilities and appurtenances
9 therein, and the grounds, areas, and facilities held out for
10 the use of tenants generally or promised for the use of a
11 tenant.

12 (10) "Rent" means all payments to be made to the
13 landlord under the rental agreement.

14 (11) "Rental agreement" means all agreements, written or
15 oral, and valid rules adopted under 70-24-311 embodying the
16 terms and conditions concerning the use and occupancy of a
17 dwelling unit and premises.

18 (12) "Roomer" means a person occupying a dwelling unit
19 that does not include a toilet, a bathtub or a shower, a
20 refrigerator, a stove, or a kitchen sink, all of which are
21 provided by the landlord and one or more of these facilities
22 are used in common by occupants in the structure.

23 (13) "Single family residence" means a structure
24 maintained and used as a single dwelling unit.
25 Notwithstanding that a dwelling unit shares one or more

1 walls with another dwelling unit, it is a single family
2 residence if it has direct access to a street or
3 thoroughfare and shares neither heating facilities, hot
4 water equipment, nor any other essential facility or service
5 with another dwelling unit.

6 (14) "Tenant" means a person entitled under a rental
7 agreement to occupy a dwelling unit to the exclusion of
8 others."

9 NEW SECTION. **Section 3.** Effective date. [This act] is
10 effective on passage and approval.

-End-



severally, in whom is vested all or part of:

(a) the legal title to property; or

(b) the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(8) "Person" includes an individual or organization.

(9) "Premises" means a dwelling unit and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.

(10) "Rent" means all payments to be made to the landlord under the rental agreement.

(11) "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-24-311 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

(12) "Roomer" means a person occupying a dwelling unit that does not include a toilet, a bathtub or a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of these facilities are used in common by occupants in the structure.

(13) "Single family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more

walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with another dwelling unit.

(14) "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others."

NEW SECTION. **Section 3.** Effective date. [This act] is effective on passage and approval.

-End-

1 **SENATE** BILL NO. **251**
2 INTRODUCED BY **SEN. [Signature]**
3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW
6 RELATING TO CITY COURT JURISDICTION; PROVIDING FOR THE
7 SERVICE OF A SUMMONS OUTSIDE OF THE COUNTY IN WHICH A CITY
8 COURT IS LOCATED; PROVIDING CONCURRENT JURISDICTION OVER
9 LANDLORD-TENANT MATTERS; AMENDING SECTIONS 25-31-407 AND
10 70-24-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 **Section 1.** Section 25-31-407, MCA, is amended to read:
14 "25-31-407. Requirements for summons served out of
15 county. When a summons issued by a justice of the peace or
16 city court judge is to be served out of the county in which
17 it was issued, the summons must have attached to it a
18 certificate, under seal by the county clerk of the county in
19 which it was issued, to the effect that the person issuing
20 the summons was an acting justice of the peace or city court
21 judge at the date of the summons."
22 **Section 2.** Section 70-24-103, MCA, is amended to read:
23 "70-24-103. General definitions. Subject to additional
24 definitions contained in subsequent sections and unless the
25 context otherwise requires, in this chapter the following

1 definitions apply:

- 2 (1) "Action" includes recoupment, counterclaim, setoff
3 suit in equity, and any other proceeding in which rights are
4 determined, including an action for possession.
5 (2) "Court" means the appropriate district court, or
6 the-appropriate justice's court, or city court.
7 (3) "Dwelling unit" means a structure or the part of a
8 structure that is used as a home, residence, or sleeping
9 place by a person who maintains a household or by two or
10 more persons who maintain a common household. "Dwelling
11 unit", in the case of a person who rents space in a mobile
12 home park but does not rent the mobile home, means the space
13 rented and not the mobile home itself.
14 (4) "Good faith" means honesty in fact in the conduct
15 of the transaction concerned.
16 (5) "Landlord" means the owner, lessor, or sublessor of
17 the dwelling unit or the building of which it is a part and
18 also means a manager of the premises who fails to disclose
19 his managerial position.
20 (6) "Organization" includes a corporation, government,
21 governmental subdivision or agency, business trust, estate,
22 trust, partnership or association, two or more persons
23 having a joint or common interest, and any other legal or
24 commercial entity.
25 (7) "Owner" means one or more persons, jointly or

severally, in whom is vested all or part of:

(a) the legal title to property; or

(b) the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(8) "Person" includes an individual or organization.

(9) "Premises" means a dwelling unit and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas, and facilities held out for the use of tenants generally or promised for the use of a tenant.

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(14) "Tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others."

NEW SECTION. Section 3. Effective date. (This act) is effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

March 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 251 (third reading copy -- blue) be concurred in as
amended .

Signed: Russell C. Fagg
Russ Fagg, Chair

And, that such amendments read:

Carried by Rep. Toole

1. Title, line 9.

Following: " ; "

Insert: "AND"

2. Title, line 10.

Strike: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE "

3. Page 4, lines 9 and 10.

Strike: section 3 of the bill in its entirety

-END-

Committee Vote:
Yes 18, No 2.

HOUSE
SB 251
591627SC.Hpf

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~~NEW-SECTION--Section 3--Effective date--{This act}--is--~~
~~effective-on-passage-and-approval.~~

-End-