

SENATE BILL NO. 386

INTRODUCED BY WILSON, CHRISTIAENS

IN THE SENATE

FEBRUARY 12, 1993

ON MOTION, RULES SUSPENDED TO ALLOW
INTRODUCTION OF SENATE BILL NO. 386.

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

FEBRUARY 19, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 20, 1993

PRINTING REPORT.

FEBRUARY 22, 1993

SECOND READING, DO PASS.

FEBRUARY 23, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

MARCH 9, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 11, 1993

SECOND READING, CONCURRED IN.

MARCH 15, 1993

THIRD READING, CONCURRED IN.
AYES, 93; NOES, 5.

MARCH 16, 1993

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~SENATE~~ BILL NO. 386
2 INTRODUCED BY Wilson
3 Christians
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 20 DAYS
5 TO 10 DAYS THE TIME ALLOWED A HOLDOVER TENANT TO FILE AN
6 ANSWER TO A LANDLORD'S COMPLAINT IN AN ACTION FOR
7 POSSESSION; AND AMENDING SECTION 70-24-429, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 70-24-429, MCA, is amended to read:
11 "70-24-429. Holdover remedies -- consent to continued
12 occupancy -- tenant's response to service in action for
13 possession. (1) If the tenant remains in possession without
14 the landlord's consent after expiration of the term of the
15 rental agreement or its termination, the landlord may bring
16 an action for possession. If the tenant's holdover is
17 purposeful and not in good faith, the landlord may recover
18 an amount not more than 3 months' periodic rent or treble
19 damages, whichever is greater.
20 (2) In an action for possession or unlawful holdover,
21 the provisions of Title 25, chapter 23, apply, except that
22 the time for filing an answer under Rule 4C(2)(b) is 10 days
23 after service of summons and complaint, exclusive of the
24 date of service.
25 (3) If the landlord consents to the tenant's

1 continued occupancy, 70-24-201(2)(e) applies."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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BILL NO.

386

INTRODUCED BY

Chris Hume

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 20 DAYS TO 10 DAYS THE TIME ALLOWED A HOLDOVER TENANT TO FILE AN ANSWER TO A LANDLORD'S COMPLAINT IN AN ACTION FOR POSSESSION; AND AMENDING SECTION 70-24-429, MCA."

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

Section 1. Section 70-24-429, MCA, is amended to read:

"70-24-429. Holdover remedies -- consent to continued occupancy -- tenant's response to service in action for possession. (1) If the tenant remains in possession without the landlord's consent after expiration of the term of the rental agreement or its termination, the landlord may bring an action for possession. If the tenant's holdover is purposeful and not in good faith, the landlord may recover an amount not more than 3 months' periodic rent or treble damages, whichever is greater.

(2) In an action for possession or unlawful holdover, the provisions of Title 25, chapter 23, apply, except that the time for filing an answer under Rule 4C(2)(b) is 10 days after service of summons and complaint, exclusive of the date of service.

(3) If the landlord consents to the tenant's

1 continued occupancy, 70-24-201(2)(e) applies."

-End-

1 *Small* BILL NO. *386*
2 INTRODUCED BY *Chris Lane Wilson*
3
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24 date of service.
25 (2)(3) If the landlord consents to the tenant's

1 continued occupancy, 70-24-201(2)(e) applies."

-End-

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INTRODUCED BY WILSON, CHRISTIAENS

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-End-

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