

1 *Wm.E. Boharski* HOUSE BILL NO. *357*
2 INTRODUCED BY *Wells* *Brained* *K. L. ...*

3 *Gregory ...* *Barthol* *Walters* *Jore* *Paul* *Bergman*
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A LANDLORD'S WAIVER OF A CLAIMED BREACH

5 OF A RENTAL AGREEMENT BY A TENANT; AND AMENDING SECTION 70-24-423, MCA."

6

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

8

9 Section 1. Section 70-24-423, MCA, is amended to read:

10 "70-24-423. **Waiver of landlord's right to terminate for breach.** Acceptance by the landlord of full
11 payment of rent due ~~with knowledge of a tenant's default or acceptance by the landlord of a tenant's~~
12 ~~performance that varies from the terms of the rental agreement constitutes a waiver of the landlord's right~~
13 ~~to terminate the rental agreement for that breach unless otherwise agreed after the breach has occurred~~
14 is a waiver of a claimed breach of a rental agreement only when the claimed breach is the nonpayment of
15 rent. Acceptance of full payment of rent due when a claimed breach is something other than the
16 nonpayment of rent does not constitute a waiver of any right. The acceptance of partial payment of rent
17 due does not constitute a waiver of any right."

18 -END-

Wm. E. Bohorski

HOUSE BILL NO. *357*

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Wells
Brainerd
Spangenberg
Walters
Jore
Bergman

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HOUSE BILL NO. 357

INTRODUCED BY

Wells

Brained

Tape

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A LANDLORD'S WAIVER OF A CLAIMED BREACH OF A RENTAL AGREEMENT BY A TENANT; AND AMENDING SECTION 70-24-423, MCA."

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 2 INTRODUCED BY *Wells* *Brainerd* *K. Lusk*
 3 *Gregory* *Barthol* *Walters* *Jore* *Kruse* *Bergman*
 4 *Curry*

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INTRODUCED BY WELLS, BRAINARD, KITZENBERG, MCGEE, MOOD, ADAMS, TASH, SPRAGUE,
BITNEY, BANKHEAD, WALTERS, JORE, PROUSE, BERGMAN, EMERSON, BOHARSKI

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