

HOUSE BILL NO. 188

INTRODUCED BY KOTTEL, POMNICHOWSKI, ERICKSON, AUGARE, PHILLIPS, REINHART, NOONEY,
VILLA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A COURT IN A CIVIL ACTION FOR THE
WRONGFUL WITHHOLDING OF A TENANT'S SECURITY DEPOSIT MAY AWARD THE TENANT ~~TREBLE~~
DOUBLE DAMAGES OR DAMAGES EQUALING UP TO ~~3~~ 2 MONTHS' RENT, WHICHEVER IS LESS; AND
AMENDING SECTION 70-25-204, MCA."

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

Section 1. Section 70-25-204, MCA, is amended to read:

"70-25-204. Wrongful withholding of security deposit -- action -- damages. (1) (a) If the court in a
civil action finds that a ~~A person who has wrongfully withholds~~ withheld a residential property security deposit or
any portion of the deposit, the court may award is liable in damages to the tenant in ~~a civil action for~~ an amount
~~equal to~~ not to exceed three ~~two~~ times the sum determined to have been wrongfully withheld or deducted or in
an amount equaling up to 2 months' rent paid by the tenant, whichever is less.

(b) The court may award attorney fees ~~may be awarded to~~ the prevailing party ~~at the discretion of the~~
court.

(c) The burden of proof of damages caused by the tenant to the leasehold premises is on the landlord.

(2) An action may not be maintained by a tenant for any amount wrongfully withheld or deducted prior
to:

(a) the tenant's receipt from the landlord or the landlord's agent of a written denial of the sum alleged
to be wrongfully detained;

(b) the expiration of a 30-day period after the termination of a tenancy;

(c) the expiration of a 30-day period after surrender and acceptance of the leasehold premises; or

(d) the expiration of a 10-day period after the landlord has indicated there were ~~no~~ not any damages to
the premises, ~~no~~ cleaning was not required, ~~no~~ rent was not unpaid, and ~~no~~ utilities were not unpaid by the
tenant."

- END -

