

## 1 HOUSE BILL NO. 500

2 INTRODUCED BY K. HANSEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING DAYLIGHT SAVING TIME AS THE OFFICIAL TIME  
5 FOR MONTANA; AND AMENDING SECTIONS 30-14-1729 AND 71-1-313, MCA."

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

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9 NEW SECTION. **Section 1. Official time.** (1) Except as provided in subsection (2), the reference time  
10 in Montana is the seventh time zone west of Greenwich, England, reckoned at 105 degrees west of Greenwich  
11 and commonly known as mountain standard time. The state of Montana rejects switching between standard time  
12 and daylight saving time and elects to remain on daylight saving time in Montana throughout the year.13 (2) If the United States government enacts a law or regulation relating to the adoption of continuous  
14 observance of standard time by all of the states, the state of Montana shall comply with law or regulation as  
15 adopted.16 (3) This section may not be construed to affect the standard time established by United States law  
17 governing the movements of common carriers engaged in interstate commerce or the time for performance of  
18 an act by an officer or department of the United States, as established by a statute, lawful order, rule, or  
19 regulation of the United States or an agency of the United States.

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21 **Section 2.** Section 30-14-1729, MCA, is amended to read:22 **"30-14-1729. Temporary lifting of security freeze -- consumer requirements -- consumer reporting**  
23 **agency duties -- notification.** (1) A consumer who wishes to allow access to the consumer's own credit report  
24 by a specific party or for a specific period of time while a security freeze is in place shall contact each consumer  
25 reporting agency, using a point of contact designated by the consumer reporting agency by regular or certified  
26 mail, telephone, or a secure electronic connection, request that the security freeze be temporarily lifted, and  
27 provide all of the following:

28 (a) proper identification;

29 (b) the unique personal identification number, password, or device provided by the consumer reporting  
30 agency pursuant to 30-14-1728(3);

1 (c) the proper information regarding the third party who is to receive the credit report or the time period  
2 for which the credit report is to be available to users of the credit report; and

3 (d) a fee, if applicable.

4 (2) (a) Except as provided in subsection (2)(b), a consumer reporting agency that receives a request  
5 from a consumer to temporarily lift a security freeze on a credit report as provided in subsection (1) shall comply  
6 with the request no later than 3 business days after receiving the request.

7 (b) ~~By no later than January 31, 2009, a~~ A consumer reporting agency shall honor a request for the  
8 temporary lifting of a security freeze made by telephone or through a secure electronic connection designated  
9 by the consumer reporting agency within 15 minutes of receiving the request unless one of the following  
10 circumstances applies:

11 (i) the consumer fails to meet the requirements of subsections (1)(a) through (1)(c); or

12 (ii) the consumer reporting agency's ability to remove the security freeze within 15 minutes is prevented  
13 by:

14 (A) a natural disaster or act of God, including fire, earthquake, or hurricane;

15 (B) unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, or a labor  
16 strike or similar labor dispute disrupting operations;

17 (C) operational interruption, including electrical failure, unanticipated delay in equipment or replacement  
18 part delivery, or computer hardware or software failures inhibiting response time;

19 (D) governmental action, including emergency orders or regulations or judicial or law enforcement action;

20 (E) receipt of a removal request outside of normal business hours; or

21 (F) maintenance of, updates to, or repair of the consumer reporting agency's systems, whether regularly  
22 scheduled or unexpected or unscheduled.

23 (c) For the purposes of this section, "normal business hours" means from 6 a.m. to 9:30 p.m., ~~mountain~~  
24 ~~standard time~~ or mountain daylight time, 7 days a week, excluding holidays.

25 (3) A consumer reporting agency shall:

26 (a) designate the contact address and telephone number along with a telefax number or appropriate  
27 electronic access address when providing the unique personal identification number, password, or other device  
28 as provided in 30-14-1728(3); and

29 (b) develop procedures to implement this section by January 31, 2009, involving the use of telephone,  
30 telefax, or electronic connection, using a process for legally required notices provided for in the Electronic

1 Signatures in Global and National Commerce Act, 15 U.S.C. 7001.

2 (4) Only the attorney general may enforce the provisions of this section related to a failure to comply with  
3 the 15-minute requirement for the temporary lifting of a security freeze."

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5 **Section 3.** Section 71-1-313, MCA, is amended to read:

6 **"71-1-313. Conditions for foreclosure by advertisement and sale.** The trustee may foreclose a trust  
7 indenture by advertisement and sale under this part if:

8 (1) the trust indenture, any assignments of the trust indenture by the trustee or the beneficiary, and any  
9 appointment of a successor trustee are recorded in the office of the clerk and recorder of each county in which  
10 the property described in the trust indenture or some part thereof is situated;

11 (2) there is a default by the grantor or other person owing an obligation or by their successors in interest,  
12 the performance of which is secured by the trust indenture, with respect to any provision in the indenture which  
13 authorizes sale in the event of default of such provision; and

14 (3) the trustee or beneficiary shall have filed for record in the office of the clerk and recorder in each  
15 county where the property described in the indenture or some part thereof is situated a notice of sale, duly  
16 executed and acknowledged by such trustee or beneficiary, setting forth:

17 (a) the names of the grantor, trustee, and beneficiary in the trust indenture and the name of any  
18 successor trustee;

19 (b) a description of the property covered by the trust indenture;

20 (c) the book and page of the mortgage records where the trust indenture is recorded;

21 (d) the default for which the foreclosure is made;

22 (e) the sum owing on the obligation secured by the trust indenture;

23 (f) the trustee's or beneficiary's election to sell the property to satisfy the obligation;

24 (g) the date of sale, which shall not be less than 120 days subsequent to the date on which the notice  
25 of sale is filed for record, and the time of sale, which shall be between the hours of 9 a.m. and 4 p.m., mountain  
26 standard daylight time;

27 (h) the place of sale which shall be at the courthouse of the county or one of the counties where the  
28 property is situated or at the location of the property or at the trustee's usual place of business if within the county  
29 or one of the counties where the property is situated."

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