

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LANDLORD-TENANT LAWS; PROVIDING FOR  
5 ISSUANCE OF A WRIT OF ASSISTANCE AFTER A RENTAL AGREEMENT IS TERMINATED; AND  
6 AMENDING SECTION 70-24-427, MCA."

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

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10 **Section 1.** Section 70-24-427, MCA, is amended to read:

11 **"70-24-427. Landlord's remedies after termination -- action for possession.** (1) If the rental  
12 agreement is terminated, the landlord has a claim for possession and for rent and a separate claim for actual  
13 damages for any breach of the rental agreement.

14 (2) An action filed pursuant to subsection (1) in a court must be heard within 14 days after the tenant's  
15 appearance or the answer date stated in the summons, except that if the rental agreement is terminated  
16 because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the  
17 tenant's appearance or the answer date stated in the summons. If the action is appealed to the district court,  
18 the hearing must be held within 14 days after the case is transmitted to the district court, except that if the rental  
19 agreement is terminated because of noncompliance under 70-24-321(3), the hearing must be held within 5  
20 business days after the case is transmitted to the district court.

21 (3) The landlord and tenant may stipulate to a continuance of the hearing beyond the time limit in  
22 subsection (2) without the necessity of an undertaking.

23 (4) In a landlord's action for possession filed pursuant to subsection (1), the court shall rule on the  
24 action within 5 days after the hearing. If a landlord's claim for possession is granted, the court shall issue a writ  
25 of possession and a writ of assistance immediately. The writ of assistance must be executed by the sheriff the  
26 same day or no later than 24 hours after being issued by the court.

27 - END -