

HOUSE BILL NO. 581

INTRODUCED BY S. LAVIN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LANDLORD-TENANT REMEDIES; REVISING
HOLDOVER REMEDIES; REDUCING THE TIME FOR FILING AN ANSWER; ALLOWING A LANDLORD
DEFAULT JUDGMENT UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 70-24-429 AND
70-33-429, 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 ~~40~~ 3 days after service of summons and complaint,
exclusive of the date of service.

(3) If the tenant fails to respond to the summons and complaint within 3 days pursuant to subsection (2),
the landlord is entitled to default judgment and a writ of assistance for possession.

~~(3)~~(4) If the landlord consents to the tenant's continued occupancy, 70-24-201(2)(e) applies."

Section 2. Section 70-33-429, MCA, is amended to read:

"70-33-429. Holdover remedies -- consent to continued occupancy. (1) If the tenant remains in
possession without the landlord's consent after expiration of the term of the rental agreement or other termination
of the rental agreement, 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 of not more than 3 months' 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

1 that the time for filing an answer under Rule 4C(2)(b) is ~~40~~ 3 days after service of summons and complaint,
2 exclusive of the date of service.

3 (3) If the tenant fails to respond to the summons and complaint within 3 days pursuant to subsection (2),
4 the landlord is entitled to default judgment and a writ of assistance for possession.

5 ~~(3)~~(4) If the landlord consents to the tenant's continued occupancy, 70-33-201(2)(e) applies."

6 - END -