

SENATE BILL NO. 144

INTRODUCED BY R. WEBB

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RESIDENTIAL LANDLORD AND TENANT LAWS; REVISING WHAT CONSTITUTES NOTICE TO INCLUDE THE RECEIPT BY TENANTS OR LANDLORDS OF INFORMATION BY ELECTRONIC MAIL; PROHIBITING THAT AN ELECTRONIC MAIL ADDRESS BE REQUIRED AS A CONDITION OF ENTERING INTO A RENTAL AGREEMENT; AMENDING SECTIONS 70-24-108 AND 70-24-202, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 70-24-108, MCA, is amended to read:

"70-24-108. What constitutes notice. (1) A person has notice of a fact if ANY OF THE FOLLOWING IS TRUE:

(a) the person has actual knowledge of it;

(b) in the case of a landlord, it is delivered at the place of business of the landlord through which the rental agreement was made; ~~or~~

(c) in the case of a tenant or a landlord, it is transmitted to an electronic mail address provided by the tenant or the landlord in the rental agreement. Notice by electronic mail is complete on receipt of delivery.

~~(c)~~(d) in the case of a landlord or tenant, it is delivered in hand to the landlord or tenant or mailed with a certificate of mailing or by certified mail to the person at the place ~~held out~~ indicated by the person as the place for receipt of the communication or, in the absence of a designation, to the person's last-known address. If notice is made with a certificate of mailing or by certified mail, service of the notice is considered to have been made ~~upon~~ on the date 3 days after the date of mailing.

(2) Notice received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual's attention if the organization had exercised reasonable diligence."

Section 2. Section 70-24-202, MCA, is amended to read:

"70-24-202. Prohibited provisions in rental agreements. A rental agreement may not provide that a party:



- 1 (1) agrees to waive or forego rights or remedies under this chapter;
- 2 (2) authorizes any person to confess judgment on a claim arising out of the rental agreement; ~~or~~
- 3 (3) agrees to the exculpation or limitation of liability resulting from the other party's purposeful misconduct
- 4 or negligence or to indemnify the other party for that liability or the costs or ~~attorney's~~ attorney fees connected
- 5 ~~therewith~~ with that liability; or
- 6 (4) must provide an electronic mail address as a condition of entering into the agreement. However, a
- 7 party may voluntarily provide an electronic mail address."

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9 NEW SECTION. Section 3. Applicability. [This act] applies to rental agreements entered into,

10 extended, or renewed on or after [the effective date of this act].

11 - END -