

## 1 SENATE BILL NO. 239

2 INTRODUCED BY R. WEBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTY FOR ABANDONMENT OF A RENTAL  
5 PROPERTY; PROVIDING THAT ABANDONMENT OF A RENTAL PROPERTY WITHOUT NOTICE TO THE  
6 LANDLORD IS THEFT; AND AMENDING SECTION 70-24-426, 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 70-24-426, MCA, is amended to read:

11 **"70-24-426. Remedies for absence or abandonment.** (1) If the rental agreement requires the tenant  
12 to give notice to the landlord of an anticipated extended absence in excess of 7 days, as provided for in  
13 70-24-322, and the tenant fails to do so, the landlord may recover actual damages from the tenant.

14 (2) During an absence of the tenant in excess of 7 days, the landlord may enter the dwelling unit at times  
15 reasonably necessary.

16 (3) If the tenant abandons the dwelling unit, the landlord shall make reasonable efforts to rent it at a fair  
17 rental. If the landlord rents the dwelling unit for a term beginning before the expiration of the rental agreement,  
18 the rental agreement terminates as of the date of the tenancy. If the landlord fails to use reasonable efforts to rent  
19 the dwelling unit at a fair rental or if the landlord accepts the abandonment as a surrender, the rental agreement  
20 is terminated by the landlord as of the date the landlord has notice of the abandonment. If the tenancy is from  
21 month to month or week to week, the term of the rental agreement for this purpose is a month or a week, as the  
22 case may be.

23 (4) In addition to any other remedy provided to a landlord by Title 70, chapter 24, part 4, a tenant who  
24 abandons a property without notice to the landlord while owing past due rent or still owing rent for the remainder  
25 of the term of the rental agreement is guilty of theft as provided in 45-6-301."

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