

HOUSE BILL NO. 380

INTRODUCED BY E. KERR-CARPENTER

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A TENANT TO BE AWARDED DOUBLE THE SUM OF ANY WRONGFULLY WITHHELD RESIDENTIAL PROPERTY SECURITY DEPOSIT WHEN ADJUDICATED BY A COURT; AND AMENDING SECTION 70-25-204, MCA."

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

Section 1. Section 70-25-204, MCA, is amended to read:

"70-25-204. Wrongful withholding of security deposit -- action. (1) A person who wrongfully withholds a residential property security deposit or any portion of the deposit is liable in damages to the tenant in a civil action for an amount equal to double the sum determined to have been wrongfully withheld or deducted. The attorney fees may be awarded the prevailing party at the discretion of the court. The burden of proof of damages caused by the tenant to the leasehold premises is on the landlord.

(2) An action may not be maintained by a tenant for any amount wrongfully withheld or deducted prior to:

- (a) the tenant's receipt from the landlord or the landlord's agent of a written denial of the sum alleged to be wrongfully detained;
- (b) the expiration of a 30-day period after the termination of a tenancy;
- (c) the expiration of a 30-day period after surrender and acceptance of the leasehold premises; or
- (d) the expiration of a 10-day period after the landlord has indicated there were no damages to the premises, no cleaning was required, no rent was unpaid, and no utilities were unpaid by the tenant."

NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

- END -