

HOUSE BILL NO. 438

INTRODUCED BY N. BALLANCE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATED TO THE REPRESENTATION OF PARTIES IN LANDLORD-TENANT ACTIONS IN JUSTICE'S COURT; AND AMENDING SECTION 70-24-401, MCA."

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

Section 1. Section 70-24-401, MCA, is amended to read:

"70-24-401. Administration of remedies -- enforcement -- parties and representation in justice's court. (1) The remedies provided by this chapter must be administered so that an aggrieved party may recover appropriate damages. The aggrieved party has a duty to mitigate damages.

(2) A right or obligation declared by this chapter is enforceable by action unless the provision declaring it specifies a different and limited effect.

(3) Rules and regulations that are not a part of this chapter and that affect the relationship between the landlord and tenant must be uniformly and fairly applied and enforced.

(4) (a) The parties in a landlord-tenant action in justice's court may be individuals, partnerships, corporations, unions, associations, or any other kind of organization or entity.

(b) A party may be represented by an attorney regardless of whether any other party is represented by an attorney in justice's court.

(c) In a landlord-tenant action in justice's court:

(i) individuals may represent themselves;

(ii) a partnership may be represented by a partner or one of its employees;

(iii) a union may be represented by a union member or union employee;

(iv) a corporation may be represented by one of its directors, officers, or employees;

(v) an association may be represented by one of its members or by an employee of the association;

(vi) a landlord or tenant may be represented by a property manager or licensed broker who acts as the agent for the landlord or tenant;

(vii) any other organization or entity may be represented by one of its members or employees.



