63rd Legislature

1	HOUSE BILL NO. 438
2	INTRODUCED BY N. BALLANCE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATED TO THE REPRESENTATION
5	OF PARTIES IN LANDLORD-TENANT ACTIONS IN JUSTICE'S COURT; AND AMENDING SECTION
6	70-24-401, 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 70-24-401, MCA, is amended to read:
11	"70-24-401. Administration of remedies enforcement parties and representation in justice's
12	court. (1) The remedies provided by this chapter must be administered so that an aggrieved party may recover
13	appropriate damages. The aggrieved party has a duty to mitigate damages.
14	(2) A right or obligation declared by this chapter is enforceable by action unless the provision declaring
15	it specifies a different and limited effect.
16	(3) Rules and regulations that are not a part of this chapter and that affect the relationship between the
17	landlord and tenant must be uniformly and fairly applied and enforced.
18	(4) (a) The parties in a landlord-tenant action in justice's court may be individuals, partnerships,
19	corporations, unions, associations, or any other kind of organization or entity.
20	(b) A party may be represented by an attorney regardless of whether any other party is represented by
21	an attorney in justice's court.
22	(c) In a landlord-tenant action in justice's court:
23	(i) individuals may represent themselves;
24	(ii) a partnership may be represented by a partner or one of its employees;
25	(iii) a union may be represented by a union member or union employee;
26	(iv) a corporation may be represented by one of its directors, officers, or employees;
27	(v) an association may be represented by one of its members or by an employee of the association;
28	(vi) a landlord or tenant may be represented by a property manager or licensed broker who acts as the
29	agent for the landlord or tenant;
30	(vii) any other organization or entity may be represented by one of its members or employees.



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- 1 (d) Only a person, natural or otherwise, who has been a party in any manner to the transaction, including
- 2 rental agreements, for which the claim is brought may file and prosecute a claim in justice's court.
- 3 (e) A judgment or order issued by a justice's court must be in favor of or against an individual party,
- 4 partnership, corporation, or other entity named as a party.
- 5 (f) A judgment or order may not be issued against the partners of a partnership or against the officers,
- 6 directors, shareholders, or employees of a corporation."
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- END -

