

1 HOUSE BILL NO. 658  
2 INTRODUCED BY R. MARSHALL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CREDIT CARD TRANSACTION  
5 FEES; ALLOWING A LANDLORD, PROPERTY MANAGER, MERCHANT, VENDOR, CREDITOR, OR OTHER  
6 PARTY TO CHARGE A CREDIT CARD TRANSACTION FEE; AND AMENDING SECTION 70-24-201, MCA."

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

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10 NEW SECTION. Section 1. Credit card transaction fee permissible. A landlord, property manager,  
11 merchant, vendor, creditor as provided in 31-2-102, or other party may charge a credit card transaction fee as  
12 provided by contract, or up to 3% of the total amount of a credit card transaction if not provided by contract, if a  
13 purchase or other payment is made with a credit or debit card. A party that chooses to charge a credit card  
14 transaction fee under this section shall clearly disclose the fee prior to the completion of the credit card  
15 transaction.

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17 **Section 2.** Section 70-24-201, MCA, is amended to read:

18 **"70-24-201. Rental agreement -- terms and conditions.** (1) A landlord and a tenant may include in  
19 a rental agreement terms and conditions not prohibited by this chapter or other rule or law, including rent, term  
20 of the agreement, and other provisions governing the rights and obligations of the parties.

21 (2) Unless the rental agreement provides otherwise:

22 (a) the tenant shall pay as rent the rental value for the use and occupancy of the dwelling unit as  
23 determined by the landlord;

24 (b) rent is payable at the landlord's address or using electronic funds transfer to an account  
25 designated for the payment of rent by the landlord;

26 (c) periodic rent is payable at the beginning of a term of a month or less and otherwise in equal  
27 monthly installments at the beginning of each month;

28 (d) rent is uniformly apportionable from day to day;

1 (e) the tenancy is week to week in the case of a roomer who pays weekly rent and in all other  
2 cases month to month; and

3 (f) if either party terminates the rental agreement without cause prior to the expiration date of the  
4 lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is  
5 agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-24-426(3)  
6 and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental  
7 agreement term expires.

8 (3) Rent is payable without demand or notice at the time and place agreed upon by the parties or  
9 provided for by subsection (2). A landlord or property manager may charge a fee for a credit card transaction as  
10 provided in [section 1]."

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12 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
13 integral part of Title 31, chapter 2, part 1, and the provisions of Title 31, chapter 2, part 1, apply to [section 1].

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