

## 1 HOUSE BILL NO. 199

2 INTRODUCED BY J. O'HARA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT DETERMINING WITH RESPECT TO LANDLORD-TENANT  
5 ACTIONS WHO MAY BE PARTIES AND WHO MAY REPRESENT PARTIES IN JUSTICE'S COURT; AND  
6 AMENDING SECTION 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 a 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 the justice's court action.

22 (c) Individuals may represent themselves in justice's court. A partnership may be represented by a  
23 partner or one of its employees. A union may be represented by a union member or union employee. A  
24 corporation may be represented by one of its directors, officers, or employees. An association may be  
25 represented by one of its members or by an employee of the association. Any other kind of organization or entity  
26 may be represented by one of its members or employees.

27 (d) Only a person, natural or otherwise, who has been a party in any manner to the transaction, including  
28 rental agreements, for which the claim is brought may file and prosecute a claim in the justice's court.

29 (e) If a party appeals the justice's court decision to a higher court, any party that is not a natural person  
30 must be represented by an attorney.

