

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE REFUND OF RESIDENTIAL RENTAL  
5 APPLICATION FEES; ALLOWING CERTAIN COSTS TO BE DEDUCTED; PROVIDING FOR A CIVIL ACTION  
6 IF AN APPLICATION FEE IS WRONGFULLY WITHHELD; AND PROVIDING AN APPLICABILITY DATE."

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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. Application fees -- refund -- deduction of costs.** (1) A landlord or a  
11 manager of a premises that requires an application fee prior to the rental of the premises shall refund the  
12 application fee within a reasonable period of time if the applicant does not become a party to a signed rental  
13 agreement for the premises or if the applicant does not become a party to a rental agreement that has the  
14 same effect as if it had been signed pursuant to 70-24-204. However, the landlord or manager may deduct  
15 costs from the refund as provided in subsection (2).

16 (2) If the application fee includes costs pertaining to specific services, the applicant must be given  
17 written notice of the portions of the total application fee allocated to each cost at the time the application fee is  
18 collected. If the applicant does not become a party to a rental agreement as provided in subsection (1), the  
19 landlord or manager may retain only the costs specified in the written notice for services actually performed and  
20 shall refund the balance as provided in subsection (1). The landlord or manager may not retain the cost of a  
21 service that was not performed, even if the cost was specified in the written notice that was provided to the  
22 applicant.

23 (3) A person who wrongfully withholds an application fee or any portion of an application fee is  
24 liable in damages to the applicant in a civil action for an amount equal to the sum determined to have been  
25 wrongfully withheld or deducted. Attorney fees may be awarded to the prevailing party at the discretion of the  
26 court. The burden of proof of services rendered by the landlord or manager pertaining to the application is on  
27 the landlord or manager.

28 (4) For the purposes of this section, the following definitions apply:

