

1 tenant as the place for receipt of the communication or, in the absence of a designation, to the tenant's last-
2 known address. If notice is transmitted by electronic mail, it is complete on receipt of a read receipt generated
3 by an electronic mail system or an electronic mail reply other than an automatically generated electronic mail
4 reply. If notice is mailed by certified mail, service of the notice is considered to have been made 3 days after the
5 date of the mailing. A tenant who fails to notify the landlord of the intent to vacate or who vacates the premises
6 without notice relieves the landlord of the requirement of giving notice and allows the landlord to deduct the
7 cleaning charges from the deposit, or the landlord may leave a copy of the notice in a conspicuous location in
8 the rental unit and notify the tenant by e-mail, phone, or text, and notice is considered delivered.

9 (4) A person may not deduct or withhold from the security deposit any amount for purposes other
10 than those set forth in this section."
11

12 **Section 2.** Section 70-25-202, MCA, is amended to read:

13 **"70-25-202. List of damages and refund -- delivery to departing tenant.** (1) Except as provided in
14 subsection (2):

15 (a) Each landlord, within 30 days subsequent to the termination of a tenancy or within 30 days
16 subsequent to a surrender and acceptance of the leasehold premises, whichever occurs first, shall provide the
17 departing tenant with a written list of any rent due and any damage and cleaning charges, brought after the
18 provisions of 70-25-201 have been followed, with regard to the leasehold premises that the landlord alleges are
19 the responsibility of the tenant. Delivery of the list must be accompanied by payment of the difference, if any,
20 between the security deposit and the permitted charges set forth in 70-25-201. Delivery must be accomplished
21 by transmitting the list to an electronic mail address provided by the tenant in the rental agreement and the
22 refund by electronic fund transfer as set forth in 70-25-205, by delivering the list and refund in hand to the
23 tenant, or by mailing the list and refund to the new address provided by the tenant or, if a new address is not
24 provided, to the tenant's last-known address.

25 (b) If after inspection there are no damages to the premises, no cleaning required, and no rent
26 unpaid and if the tenant can demonstrate that no utilities are unpaid by the tenant, the landlord shall return the
27 security deposit within 10 days by electronic fund transfer as set forth in 70-25-205 or by mailing it to the new
28 address provided by the tenant or, if a new address is not provided, to the tenant's last-known address.

1 (c) It is not a wrongful withholding of security deposit funds if the landlord mails the funds to the
 2 last-known address of a tenant who has departed and the tenant does not receive the funds because the tenant
 3 has not given the landlord the tenant's new address, but the landlord remains liable to the tenant for the amount
 4 due the tenant.

5 (2) This section does not apply if a rental agreement is terminated pursuant to 70-24-427 or 70-33-
 6 427 and the landlord has a pending claim for actual damages filed in court."

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8 **Section 3.** Section 70-25-205, MCA, is amended to read:

9 **"70-25-205. Failure of departing tenant to furnish new address.** (1) Failure by the departing tenant
 10 to provide the landlord with a new address in writing upon termination of the tenancy or upon surrender and
 11 acceptance of the leasehold premises, whichever occurs first, does not bar the tenant from recovering the
 12 amount owing to the tenant by the landlord.

13 (2) A landlord must be entitled to return a security deposit owing to a tenant by an electronic funds
 14 transfer to an account designated by the tenant or on behalf of the tenant for recovering the amount owing to
 15 the tenant by the landlord."

16

17 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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