

1 HOUSE BILL NO. 427

2 INTRODUCED BY K. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY OR
5 A LOCAL BUILDING DEPARTMENT TO PROVIDE THE TEXT OR CITATION OF THE SPECIFIC SECTIONS
6 OF THE BUILDING CODE RELIED ON TO DELAY A PERMIT APPLICATION OR STOP A CONSTRUCTION
7 PROJECT; PROVIDING A REMEDY; AND CREATING A CAUSE OF ACTION."

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

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11 NEW SECTION. **Section 1. Building code section to be provided.** (1) If the department or local
12 building department delays the issuance of a permit or stops work on a construction project because of
13 noncompliance with the state building code adopted pursuant to 50-60-203 or a building code adopted by a
14 county, city, or town pursuant to 50-60-301, the person applying for a permit or constructing the project may
15 request in writing or electronically that the department or local building department provide the person with the
16 text or citation of the specific sections of the building code applicable to the permit application or construction
17 project that the department or local building department is relying on to cause the delay of the permit
18 application or the stoppage of the construction project.

19 (2) The department or local building department shall provide the text or citations requested under
20 subsection (1) within 7 calendar days.

21 (3) Failure to provide the text or citation of the specific sections of the building code applicable to
22 the permit application or the construction project that the department or local building department is relying on
23 to cause the delay of the permit application or the stoppage of the construction project within 7 calendar days
24 waives the application of those sections of the building code to the permit application or the construction
25 project.

26 (4) (a) A person aggrieved by the failure to provide the text or citation of the specific sections of the
27 building code under subsection (1) may file a civil action in district court for appropriate relief, including any
28 compensatory damages related to a delay of the permit application or a stoppage of the construction project.

1 (b) A prevailing plaintiff is entitled to reasonable court costs and attorney fees.

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3 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 50, chapter 60, part 1, and the provisions of Title 50, chapter 60, part 1, apply to [section 1].

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