

SENATE BILL NO. 254

INTRODUCED BY M. MCNALLY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO DAYLIGHT SAVING TIME; AUTHORIZING YEAR-ROUND MOUNTAIN DAYLIGHT SAVING TIME; EXEMPTING THE STATE AND ITS POLITICAL SUBDIVISIONS FROM MOUNTAIN STANDARD TIME; PROVIDING THAT YEAR-ROUND DAYLIGHT SAVING TIME IS CONTINGENT TO SIMILAR APPROVALS IN OTHER STATES; PROVIDING THAT YEAR-ROUND DAYLIGHT SAVING TIME IS ALSO CONTINGENT TO APPROVAL BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION OR CONGRESS; AMENDING SECTIONS 30-14-1729 AND 71-1-313, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

NEW SECTION. Section 1. Mountain daylight time. (1) The year-round observed time of the entire state and all of the state's political subdivisions is mountain daylight time. The state exempts all areas of the state from mountain standard time.

(2) As used in this section:

(a) "Mountain daylight time" means the period during a year when mountain standard time is advanced 1 hour in accordance with 15 U.S.C. 260a.

(b) "Mountain standard time" means the observed time assigned to the mountain time zone in 15 U.S.C. 261.

Section 2. Section 30-14-1729, MCA, is amended to read:

"30-14-1729. Temporary lifting of security freeze -- consumer requirements -- consumer reporting agency duties -- notification. (1) A consumer who wishes to allow access to the consumer's own credit report by a specific party or for a specific period of time while a security freeze is in place shall contact each consumer reporting agency, using a point of contact designated by the consumer reporting agency by regular or certified mail, telephone, or a secure electronic connection, request that the security freeze be

1 temporarily lifted, and provide all of the following:

2 (a) proper identification;

3 (b) the unique personal identification number, password, or device provided by the consumer

4 reporting agency pursuant to 30-14-1728(3);

5 (c) the proper information regarding the third party who is to receive the credit report or the time
6 period for which the credit report is to be available to users of the credit report; and

7 (d) a fee, if applicable.

8 (2) (a) Except as provided in subsection (2)(b), a consumer reporting agency that receives a request
9 from a consumer to temporarily lift a security freeze on a credit report as provided in subsection (1) shall
10 comply with the request no later than 3 business days after receiving the request.

11 (b) By no later than January 31, 2009, a consumer reporting agency shall honor a request for the
12 temporary lifting of a security freeze made by telephone or through a secure electronic connection designated
13 by the consumer reporting agency within 15 minutes of receiving the request unless one of the following
14 circumstances applies:

15 (i) the consumer fails to meet the requirements of subsections (1)(a) through (1)(c); or

16 (ii) the consumer reporting agency's ability to remove the security freeze within 15 minutes is
17 prevented by:

18 (A) a natural disaster or act of God, including fire, earthquake, or hurricane;

19 (B) unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, or a
20 labor strike or similar labor dispute disrupting operations;

21 (C) operational interruption, including electrical failure, unanticipated delay in equipment or
22 replacement part delivery, or computer hardware or software failures inhibiting response time;

23 (D) governmental action, including emergency orders or regulations or judicial or law enforcement
24 action;

25 (E) receipt of a removal request outside of normal business hours; or

26 (F) maintenance of, updates to, or repair of the consumer reporting agency's systems, whether
27 regularly scheduled or unexpected or unscheduled.

28 (c) For the purposes of this section, "normal business hours" means from 6 a.m. to 9:30 p.m.,

~~mountain standard time or~~ mountain daylight time, 7 days a week, excluding holidays.

(3) A consumer reporting agency shall:

(a) designate the contact address and telephone number along with a telefax number or appropriate electronic access address when providing the unique personal identification number, password, or other device as provided in 30-14-1728(3); and

(b) develop procedures to implement this section by January 31, 2009, involving the use of telephone, telefax, or electronic connection, using a process for legally required notices provided for in the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001.

(4) Only the attorney general may enforce the provisions of this section related to a failure to comply with the 15-minute requirement for the temporary lifting of a security freeze."

Section 3. Section 71-1-313, MCA, is amended to read:

"71-1-313. Conditions for foreclosure by advertisement and sale. The trustee may foreclose a trust indenture by advertisement and sale under this part if:

(1) the trust indenture, any assignments of the trust indenture by the trustee or the beneficiary, and any appointment of a successor trustee are recorded in the office of the clerk and recorder of each county in which the property described in the trust indenture or some part thereof is situated;

(2) there is a default by the grantor or other person owing an obligation or by their successors in interest, the performance of which is secured by the trust indenture, with respect to any provision in the indenture which authorizes sale in the event of default of such provision; and

(3) the trustee or beneficiary shall have filed for record in the office of the clerk and recorder in each county where the property described in the indenture or some part thereof is situated a notice of sale, duly executed and acknowledged by such trustee or beneficiary, setting forth:

(a) the names of the grantor, trustee, and beneficiary in the trust indenture and the name of any successor trustee;

(b) a description of the property covered by the trust indenture;

(c) the book and page of the mortgage records where the trust indenture is recorded;

(d) the default for which the foreclosure is made;

(e) the sum owing on the obligation secured by the trust indenture;

(f) the trustee's or beneficiary's election to sell the property to satisfy the obligation;

(g) the date of sale, which ~~shall~~ must not be less than 120 days subsequent to the date on which the notice of sale is filed for record, and the time of sale, which ~~shall~~ must be between the hours of 9 a.m. and 4 p.m., mountain ~~standard~~ daylight time; and

(h) the place of sale, which ~~shall~~ must be at the courthouse of the county or one of the counties where the property is situated or at the location of the property or at the trustee's usual place of business if within the county or one of the counties where the property is situated."

NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each federally recognized tribal government in Montana.

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 30, and the provisions of Title 30 apply to [section 1].

NEW SECTION. Section 6. Contingent effective date. (1) [This act] is effective on the first Sunday of November following the day that the governor certifies to the code commissioner that:

(a) not fewer than four western states, including Montana, pass legislation to place all or a portion of those states on year-round daylight saving time, regardless of the time zone; and

(b) (i) legislation enacted by congress goes into effect to amend 15 U.S.C. 260a to authorize states to observe daylight saving time year-round; or

(ii) the United States department of transportation, pursuant to the department authority in 15 U.S.C. 260, et seq., approves the state's transfer from mountain standard time to central standard time.

(2) As used in this section, "western states" means the states of Idaho, Montana, North Dakota, South Dakota, Utah, and Wyoming.

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