58th Legislature HB0627.02

1	HOUSE BILL NO. 627
2	INTRODUCED BY LINDEEN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "COST" WHEN APPLIED TO
5	PROPERTY TAX LIEN PURCHASES AND THE TAX DEED PROCESS; ALLOWING THE RECOVERY OF
6	CERTAIN COSTS REQUIRED BY LAW THAT ARE INCURRED BY A PURCHASER OF A PROPERTY TAX
7	LIEN; REQUIRING TIMELY SUBMISSION OF RECEIPTS TO THE COUNTY TREASURER FOR CERTAIN
8	CLAIMED COSTS; AND AMENDING SECTION 15-17-121, MCA."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12	Section 1. Section 15-17-121, MCA, is amended to read:
13	"15-17-121. Definitions. Except as otherwise specifically provided, when terms mentioned in Title 15
14	chapters 17 and 18, are used in connection with taxation, they are defined in the following manner:
15	(1) "Certificate" or "tax sale certificate" means the document described in 15-17-212.
16	(2) (a) "Cost" means the cost incurred by the county as a result of a taxpayer's failure to pay taxes where
17	due. It includes but is not limited to any actual out-of-pocket expenses incurred by the county plus the
18	administrative cost of:
19	(i) preparing the list of delinquent taxes;
20	(ii) preparing the notice of pending tax sale;
21	(iii) conducting the tax sale;
22	(iv) assigning the county's interest in a tax lien to a third party;
23	(v) identifying interested persons entitled to notice of the pending issuance of a tax deed;
24	(vi) notifying interested persons;
25	(vii) issuing the tax deed; and
26	(viii) any other administrative task associated with accounting for or collecting delinquent taxes.
27	(b) Cost does not include the The term includes receipted costs that are required by law and incurred
28	by the <del>owner</del> <u>purchaser</u> of a property tax lien other than the county.
29	(c) The term does not include interest or FOR payments for the following:
30	(i) postage for certified mailings and certified mailings with return receipt requested;

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1	(ii) a title search, to the extent necessary to identify interested persons entitled to notice of the pending
2	issuance of a tax deed;
3	(iii) publishing costs for required publications; and
4	(iv) filing costs for proof of notice.
5	(d) The purchaser of the property tax lien shall provide receipts to the county treasurer upon issuance
6	of a tax sale certificate as required in 15-17-212 and notification that a tax deed may be issued as required by
7	15-18-212 and 15-18-216.
8	(3) "County" means any county government and includes those classified as consolidated governments.
9	(4) "Property tax lien" means a lien acquired by the payment at a tax sale of all outstanding delinquent
10	taxes, including penalties, interest, and costs.
11	(5) "Purchaser" means any person, other than the person to whom the property is assessed, who pays
12	at the tax sale the delinquent taxes, including penalties, interest, and costs, and receives a certificate
13	representing a lien on the property or who is otherwise listed as the purchaser. An assignee is a purchaser.
14	(6) "Tax", "taxes", or "property taxes" means all ad valorem property taxes, property assessments, fees
15	related to property, and assessments for special improvement districts and rural special improvement districts.
16	(7) "Tax sale" means:
17	(a) with respect to real property and improvements, the offering for sale by the county treasurer of a
18	property tax lien representing delinquent taxes, including penalties, interest, and costs; and
19	(b) with respect to personal property, the offering for sale by the county treasurer of personal property
20	on which the taxes are delinquent or other personal property on which the delinquent taxes are a lien."
21	- END -

