

HOUSE BILL NO. 46

INTRODUCED BY P. INGRAHAM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE VALIDITY OF DEEDS; PROHIBITING THE
5 DEPARTMENT OF REVENUE FROM REQUIRING SOCIAL SECURITY NUMBERS OR FEDERAL EMPLOYER
6 IDENTIFICATION NUMBERS ON REALTY TRANSFER CERTIFICATES; REMOVING OUTDATED
7 PROVISIONS; AND AMENDING SECTION 15-7-305, MCA."

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

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11 **Section 1.** Section 15-7-305, MCA, is amended to read:
12 **"15-7-305. Realty transfer certificate required.** (1) The county clerk and recorder shall require the
13 parties to the transaction or their agents or representatives to complete a certificate declaring the consideration
14 paid or to be paid for the real estate transferred.
15 (2) An instrument or deed evidencing a transfer of real estate may not be accepted for recordation until
16 the certificate has been received by the county clerk and recorder. The validity, or effectiveness, or recordation
17 of an instrument or deed between the parties to it is not affected by failure to comply with the provisions in this
18 part the completeness of the certificate.
19 (3) (a) Except as provided in 85-2-423, the form of certificate must be prescribed by the department of
20 revenue, and the department shall provide an adequate supply of forms to each county clerk and recorder in the
21 state.
22 (b) The department shall coordinate with the department of natural resources and conservation and the
23 water court to develop water right ownership update forms. The water right ownership update form must be part
24 of or attached to the realty transfer certificate.
25 (c) The department may not require social security numbers or federal employer identification numbers
26 on the realty transfer certificate.
27 ~~(4) The clerk and recorder shall prepare a certificate for each contract for deed filed for recording.~~
28 ~~(5)(4) The clerk and recorder shall transmit each executed certificate to the department."~~

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