Amendment - 1st Reading-white - Requested by: Marta Bertoglio - (H) Taxation			
	islature 2023 Drafter: Megan Moore, 406-444-4496 HB0118.001.00		
1	HOUSE BILL NO. 118		
2	INTRODUCED BY M. BERTOGLIO		
3	BY REQUEST OF THE DEPARTMENT OF REVENUE		
4			
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A WARRANT FOR DISTRAINT CREATES A		
6	LIEN AGAINST PERSONAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF MONTANA OWNED BY		
7	A DELINQUENT TAXPAYER; AMENDING SECTION 15-1-701, MCA; AND PROVIDING AN IMMEDIATE		
8	EFFECTIVE DATE."		
9			
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
11			
12	Section 1. Section 15-1-701, MCA, is amended to read:		
13	"15-1-701. Warrant for distraint. (1) A warrant for distraint is an order, under the official seal of the		
14	department or of the department of transportation, directed to a sheriff of a county of Montana or to an agent		
15	authorized by law to collect a tax. The order commands the recipient to levy upon on and sell the real and		
16	personal property of a delinquent taxpayer.		
17	(2)— <u>(a) Upon-On</u> filing the warrant as provided in 15-1-704, there is a lien <u>:</u>		
18	(i)against all real and personal property of the delinquent taxpayer located in the county where		
19	he warrant is filed <u>; and</u>		
20	(ii) against all-monies of the delinquent taxpayer in the state, including limited to:		
21	(A) monies due and owing to the delinquent taxpayer;		
22	(B)(A) all funds in demand, savings, or time deposits held in banking institutions in which a delinquer		
23	axpayer has ownership interest;		
24	(C)(B) wages and compensation owed to a delinquent taxpayer; and		
25	(D)(C) stock, equity interests, and investment accounts in which the delinquent taxpayer has		
26	ownership interest.		
27	(b) The lien provided for in subsection (2)(a)(ii) is imposed in any county of the state, regardless of		
28	he location of the delinquent taxpayer.		



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68th Legislature 2023

Drafter: Megan Moore, 406-444-4496

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1	(3) The resulting lien in subsection (2) is treated in the same manner as a properly docketed
2	judgment lien, the department is a judgment lien creditor, and the department may collect delinquent taxes and
3	enforce the tax lien in the same manner as a judgment is enforced, except that the department may enforce the
4	judgment lien at any time within 10 years of its creation or effective date, whichever is later.
5	(3)(4)—A warrant may be issued for the amount of unpaid tax plus accumulated penalty, if any,
6	and accumulated interest. The lien is for the amount indicated on the warrant plus accrued penalty and interest
7	from the date of the warrant. The priority date of the tax lien created by filing the warrant for distraint is the date
8	the tax was due as indicated on the warrant for distraint.
9	(4)(5) The accelerated priority date provided for in subsection $(3)(4)$ is not valid against purchasers,
10	holders of security interests, judgment lien creditors, and those lienholders identified in Title 71, chapter 3, parts
11	3 through 15, whose interest is recorded prior to the filing of the warrant for distraint."
12	
13	NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.
14	- END -