

HOUSE BILL NO. 495

INTRODUCED BY R. FARRIS-OLSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROPERTY EXEMPT FROM EXECUTION; EXEMPTING FEDERAL AND STATE PUBLIC ASSISTANCE BENEFITS FROM EXECUTION; EXEMPTING STUDENT LOAN BENEFITS FROM EXECUTION; AND AMENDING SECTION 25-13-608, MCA."

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

Section 1. Section 25-13-608, MCA, is amended to read:

"25-13-608. Property exempt without limitation -- exceptions. (1) A judgment debtor is entitled to exemption from execution of the following:

- (a) professionally prescribed health aids for the judgment debtor or a dependent of the judgment debtor;
- (b) benefits the judgment debtor has received or is entitled to receive under federal social security legislation or federal, state, local, or tribal public assistance legislation, except as provided in subsection (2);
- (c) veterans' benefits, except as provided in subsection (2);
- (d) disability or illness benefits, except as provided in subsection (2);
- (e) except as provided in subsection (2), individual retirement accounts, as defined in 26 U.S.C. 408(a), to the extent of deductible contributions made before the suit resulting in judgment was filed and the earnings on those contributions, and Roth individual retirement accounts, as defined in 26 U.S.C. 408A, to the extent of qualified contributions made before the suit resulting in judgment was filed and the earnings on those contributions;
- (f) benefits paid or payable for medical, surgical, or hospital care to the extent they are used or will be used to pay for the care;
- (g) maintenance and child support;
- (h) a burial plot for the judgment debtor and the debtor's family;
- (i) benefits or payments paid or payable from a retirement system or plan within Title 19, chapters 3, 5 through 9, and 13, as provided by 19-2-1004;
- (j) benefits or payments paid or payable from a retirement system or plan within Title 19, chapter 20, as provided by 19-20-706;

1 (k) the judgment debtor's interest in any unmaturred life insurance contracts owned by the judgment
2 debtor; ~~and~~

3 (l) as provided in 25-13-603, a medical care savings account under Title 15, chapter 61, a health savings
4 account under 26 U.S.C. 223, or a medical savings account under 26 U.S.C. 220 to the extent of contributions
5 made before the suit resulting in judgment was filed and the earnings on those contributions; and

6 (m) the proceeds of a student loan, a scholarship as defined in 20-26-603, financial aid or a grant
7 awarded to attend a postsecondary institution as defined in 20-26-103, or grant, loan, or work assistance awarded
8 under Title 20, chapter 28, of the United States Code.

9 (2) Veterans' and social security legislation benefits based upon remuneration for employment, disability
10 benefits, and assets of individual retirement accounts are not exempt from execution if the debt for which
11 execution is levied is for:

12 (a) child support; or

13 (b) maintenance to be paid to a spouse or former spouse."

14 - END -