45th Legislature LC 0798/01

1 2 3 A BILL FOR AN ACT ENTITLED: MAN ACT TO AMEND SECTION 16-2714. R.C.M. 1947, TO LIMIT THE LIABILITY OF SHERIFFS IN ż 6 RESPECT TO SERVICE OF PROCESS AND LEVY OF ATTACHMENT." 7 8 BE IT ENACTED BY THE LEGIS' ATURE OF THE STATE OF MONTANA: Section 1. Section 16-2714, R.C.M. 1947, is amended to 9 10 read as follows: "16-2714. Direction to sheriff must be in writing. No 11 12 direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return 13 14 thereof, or any act or omission relating thereto, is 15 available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained 15 17 in a writing signed by the attorney of the party or by the 18 party. No sheriff is liable in any way for debts, charges, 13 bills, fees, or expenses of any nature arising from the 20 execution of any lawful process or the levy of any 21 attachment as provided for in 93-4313: whether authorized or 22 contracted by either plaintiff or defendant or their 23 attorneys if, in the execution of such process or 24 attachment, the sheriff made such process or attachment in a 25 reasonable manner."

-End-

HB.199

45th Legislature LC 0798/01

Approved by Committee on State Administration

1 H BILL NO. 177
2 INTRODUCED BY Mushan Synch

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reasonable manner."

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION

16-2714, R.C.M. 1947, TO LIMIT THE LIABILITY OF SHERIFFS IN

RESPECT TO SERVICE OF PROCESS AND LEVY OF ATTACHMENT."

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

9 Section 1. Section 16-2714, R.C.M. 1947, is amended to read as follows:

"16-2714. Direction to sheriff must be in writing. No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing signed by the attorney of the party or by the party. No sheriff is liable in any way for debts, charges, bills, fees, or expenses of any nature arising from the execution of any lawful process or the levy of any attachment as provided for in 93-4313, whether authorized or contracted by either plaintiff or defendant or their attorneys if, in the execution of such process or attachment in a

-End-

SECOND READING

HB 177

45th Legislature LC 0798/01

1 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 16-2714, R.C.M. 1947, TO LIMIT THE LIABILITY OF SHERIFFS IN RESPECT TO SERVICE OF PROCESS AND LEVY OF ATTACHMENT.\* 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 16-2714, R.C.M. 1947, is amended to 10 read as follows: 11 \*16-2714. Direction to sheriff must be in writing. No 12 direction or authority by a party or his attorney to a 13 sheriff, in respect to the execution of process or return thereof, or any act or omission relating thereto, is 14 available to discharge or excuse the sheriff from a 15 16 liability for neglect or misconduct, unless it is contained 17 in a writing signed by the attorney of the party or by the 18 party. No sheriff is liable in any way for debts, charges, 19 bills, fees, or expenses of any nature arising from the 20 execution of any lawful process or the levy of any 21 attachment as provided for in 93-4313, whether authorized or 22 contracted by either plaintiff or defendant or their 23 attorneys if. in the execution of such process or 24 attachment, the sheriff made such process or attachment in a 25 reasonable manner."

-End-

HB111

March 24, 1977

## SENATE STANDING COMMITTEE REPORT Judiciary Committee

That House Bill No. 177, third reading, be amended as follows:

1. Amend title, lines 5 and 6.

Following: ", TO"

Strike: lines 5 and 6 in their entirety

Insert: "REQUIRE THAT A BOND BE FURNISHED BY A PARTY REQUESTING SERVICE

OF A WRIT OF EXECUTION OR ATTACHMENT WHEN THE SHERIFF WILL INCUR

SUBSTANTIAL COSTS.'"

2. Amend page 1, section 1, lines 18 through 25.

Following: "party."

Strike: lines 18 through 25 in their entirety

Insert: "If the sheriff will incur substantial costs in transporting, keeping, or storing the property seized, the party requesting service of a writ of execution or attachment shall provide a bond or other security to pay for all costs which may be incurred as a result of the

service of such writ."

45th Legislature HB 0177/02

Ł	HOUSE BILL NO. 177
2	INTRODUCED BY MENAHAN, LYNCH
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5	16-2714, R.C.M. 1947, TO LIMIT-THE-LIABILITY-OF-SHERIFFS-IN
6	RESPECT-TO-SERVICEOFPROCESSANDLEVYOFATTACHMENT-
7	REQUIRE THAT A BOND BE FURNISHED BY A PARTY REQUESTING
8	SERVICE OF A WRIT OF EXECUTION OR ATTACHMENT WHEN THE
9	SHERIFF WILL INCUR SUBSTANTIAL COSTS."
0	
1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
2	Section 1. Section 16-2714, R.C.N. 1947, is amended to
3	read as follows:
4	*16-2714. Direction to sheriff must be in writing. No
.5	direction or authority by a party or his attorney to a
6	sheriff, in respect to the execution of process or return
7	thereof, or any act or omission relating thereto, is
8	available to discharge or excuse the sheriff from a
9	liability for neglect or misconduct, unless it is contained
20	in a writing signed by the attorney of the party or by the
21	party. No-sheriff-is-liable in any way-for-debts-charges
22	billsy-feesy-or-expenses-of-any-nature-orising-from-the
23	execution-of-ony-lawful-process-or-the-levy-ofony
4	attachment-aa-provided-for-in-93-4313,-whether-authorized-or
25	contractedbyeitherplaintiff-ordefendantortheir

1	attorneys-ify-in-the execution of such process-or
2	attachmenty-the-sheriff-mode-such-process-or-attachment-in-c
3	ressonable monners IF THE SHERIFF WILL INCUR SUBSTANTIAL
4	COSTS IN TRANSPORTING. KEEPING. DR STORING THE PROPERTY
5	SEIZED. THE PARTY REQUESTING SERVICE OF A WRIT OF EXECUTION
6	OR ATTACHMENT SHALL PROVIDE A BOND OR OTHER SECURITY TO PA
7	FOR ALL COSTS WHICH MAY BE INCURRED AS A RESULT OF THE
6	SERVICE OF SUCH WRIT."

-End-

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HB 0177/02