

SENATE BILL NO. 267
INTRODUCED BY HALLIGAN

IN THE SENATE

January 29, 1985	Introduced and referred to Committee on Judiciary.
February 12, 1985	Committee recommend bill do pass. Report adopted.
February 13, 1985	Bill printed and placed on members' desks.
February 15, 1985	Second reading, do pass.
February 16, 1985	Considered correctly engrossed.
February 18, 1985	Third reading, passed. Ayes, 47; Noes, 2.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 15, 1985	Committee recommend bill be concurrent in. Report adopted.
March 19, 1985	Second reading, concurrent in.
March 21, 1985	Third reading, concurrent in.
	Returned to Senate.

IN THE SENATE

March 21, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *267*
 2 INTRODUCED BY *Holligan*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING TO UNMARRIED
 5 PERSONS THE SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS
 6 THOSE GRANTED TO PERSONS WHO ARE MARRIED OR HEADS OF
 7 FAMILIES; AMENDING SECTIONS 25-13-611 THROUGH 25-13-613,
 8 25-13-616, AND 25-13-617, MCA; REPEALING SECTION 25-13-602,
 9 MCA."

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

11 Section 1. Section 25-13-611, MCA, is amended to read:
 12 "25-13-611. Necessary household property. (1) The
 13 following property is exempt from execution, except as
 14 herein otherwise provided:

15 (a) all wearing apparel of the judgment debtor and
 16 family;

17 (b) all chairs, tables, desks, and books to the value
 18 of \$200;

19 (c) all necessary household, table, and kitchen
 20 furniture of the judgment debtor, including one sewing
 21 machine, stoves, stovepipes, and stove furniture, heating
 22 apparatus, beds, bedding, and bedsteads, and provisions and
 23 fuel provided for individual or family use sufficient for 3
 24 months;
 25

1 (d) 1 horse, saddle, and bridle; 2 cows and their
 2 calves; 4 hogs; 50 domestic fowls, and feed for such animals
 3 for 3 months;

4 (e) one clock; and

5 (f) all family pictures.

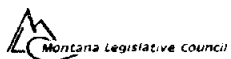
6 ~~(2) An unmarried person who is not the head of a~~
 7 ~~family is not entitled to any of the exemptions herein~~
 8 ~~mentioned, except that of the wearing apparel of the~~
 9 ~~judgment debtor.~~

10 ~~(3)(2)~~ None of the property mentioned in this section
 11 is exempt from execution issued upon a judgment recovered
 12 for its price or upon a judgment of foreclosure of a
 13 mortgage lien thereon, and no person not a bona fide
 14 resident of this state shall have the benefit of these
 15 exemptions."

16 Section 2. Section 25-13-612, MCA, is amended to read:

17 "25-13-612. Property necessary to carry on trade or
 18 profession. (1) In addition to the property mentioned in
 19 25-13-611, there shall be exempt to all judgment debtors ~~who~~
 20 ~~are married or who are heads of families~~ the following
 21 property:

22 (a) to a farmer: farming utensils or implements of
 23 husbandry, not exceeding in value \$600; two oxen or two
 24 horses or mules and their harness, one cart or wagon, set of
 25 sleds, and food for such oxen, horses, cows, or mules for 3



-2- INTRODUCED BILL
 SB 267

1 months; all seed, grain, or vegetables actually provided or
2 on hand for the purpose of planting or sowing the following
3 spring, not exceeding in value \$200;

4 (b) to a mechanic or artisan: tools or implements
5 necessary to carry on his trade;

6 (c) to a surgeon, physician, or dentist: the
7 instruments and chest necessary to the exercise of his
8 profession, with his scientific and professional libraries
9 and necessary office furniture;

10 (d) to attorneys at law and ministers of the gospel,
11 etc.: the professional libraries of attorneys, counselors,
12 judges, ministers of the gospel, editors, schoolteachers,
13 and music teachers and their necessary office furniture; the
14 musical instruments of music teachers; the notarial seal,
15 records, and office furniture of a notary public;

16 (e) to a miner: his cabin or dwelling, sluices, and
17 pipes, hose, windlass, derricks, cars, pumps, tools,
18 implements, and appliances necessary for carrying on any
19 kind of mining operations, not exceeding in value the
20 aggregate sum of \$1,000; and one horse or mule with harness
21 and food for such horse or mule for 3 months, when such
22 horse or mule is used in working his mine or mining claim;

23 (f) to a civil, mining, or mechanical engineer:
24 instruments, tools, books, and records necessary to carry on
25 his profession;

1 (g) to a chemist or assayer: the tools, instruments,
2 and supplies necessary to carry on his profession;

3 (h) to a cartman, hackman, huckster, peddler,
4 teamster, or laborer: one horse or mule and harness for two
5 animals or two oxen and harness, and one cart or wagon, one
6 dray or truck, one hack or carriage by the use of which such
7 person habitually earns his living;

8 (i) one vehicle and harness or other equipment used by
9 a physician or surgeon or minister of the gospel in making
10 his professional visits, with food for such horse, mule, or
11 oxen for 3 months;

12 (j) to an osteopath or chiropractor: the instruments
13 and equipment necessary to the exercise of his profession,
14 with his scientific and professional library and necessary
15 office furniture.

16 (2) No article, however, or species of property
17 mentioned in this section is exempt from execution issued
18 upon a judgment recovered for its price or upon a judgment
19 of foreclosure of a mortgage lien thereon, and no person not
20 a bona fide resident of this state shall have the benefit of
21 these exemptions. No person can claim more than one of the
22 exemptions mentioned in subsections (1)(a) through (1)(i) of
23 this section."

24 Section 3. Section 25-13-613, MCA, is amended to read:
25 "25-13-613. Property necessary to carry out

1 governmental functions. (1) In addition to the property
2 mentioned in 25-13-611, there shall be exempt to all
3 judgment debtors ~~who--are--married--or--who--are--heads--of~~
4 ~~families~~ the following property:

5 (a) all fire engines, hooks, and ladders, with the
6 cart, trucks, and carriages, hose, buckets, implements, and
7 apparatus thereto appertaining, and all furniture and
8 uniforms of any fire company or department organized under
9 any laws of this state;

10 (b) all arms, uniforms, and accouterments required by
11 law to be kept by any person and one gun to be selected by
12 the debtor;

13 (c) all courthouses, jails, public offices, and
14 buildings, lots, grounds, and personal property, the
15 fixtures, furniture, books, papers, and appurtenances
16 belonging and pertaining to the courthouse, jail, and public
17 offices belonging to any county of this state; and

18 (d) all cemeteries, public squares, parks, and places,
19 public buildings, town halls, public markets, buildings for
20 the use of fire departments and military organizations, and
21 the lots and grounds thereto belonging and appertaining
22 owned or held by any town or incorporated city or dedicated
23 by such city or town to health, ornament, or public use or
24 for the use of any fire or military company organized under
25 the laws of the state.

1 (2) No article, however, or species of property
2 mentioned in this section is exempt from execution issued
3 upon a judgment recovered for its price or upon a judgment
4 of foreclosure of a mortgage lien thereon, and no person not
5 a bona fide resident of this state shall have the benefit of
6 these exemptions."

7 Section 4. Section 25-13-616, MCA, is amended to read:

8 "25-13-616. Life insurance benefits. (1) In addition
9 to the property mentioned in 25-13-611, there shall be
10 exempt to all judgment debtors ~~who--are--married--or--who--are~~
11 ~~heads--of--families~~ all moneys, benefits, privileges, or
12 immunities accruing or in any manner growing out of any life
13 insurance on the life of the debtor if the annual premiums
14 paid do not exceed \$500.

15 (2) No article, however, or species of property
16 mentioned in this section is exempt from execution issued
17 upon a judgment recovered for its price or upon a judgment
18 of foreclosure of a mortgage lien thereon, and no person not
19 a bona fide resident of this state shall have the benefit of
20 these exemptions."

21 Section 5. Section 25-13-617, MCA, is amended to read:

22 "25-13-617. Truck or automobile. (1) In addition to
23 all other exemptions, one truck or automobile of the value
24 of not more than \$1,000 is exempt from attachment or
25 execution ~~where--the--debtor--is--the--head--of--a--family--or--over~~

1 ~~60--years--of--age~~; but where debts are incurred by any such
2 debtor or his wife or family for the common necessities of
3 life, then such truck or automobile is nevertheless subject
4 to attachment and execution to satisfy debts so incurred.

5 (2) The words "his family", as used in this section,
6 are to be construed to include:

7 (a) the debtor's spouse;

8 (b) every person who resides with the debtor under his
9 care or maintenance and who is:

10 (i) a minor child of the debtor or of his spouse or
11 former spouse;

12 (ii) a minor grandchild, brother, or sister or minor
13 child of a brother or sister of the debtor or of his spouse;

14 (iii) a father, mother, grandfather, or grandmother of
15 the debtor or of his spouse or former spouse;

16 (iv) an unmarried sister, brother, or any other
17 relative of the debtor mentioned in this section who has
18 attained the age of majority and is unable to care for or
19 support himself."

20 NEW SECTION. Section 6. Repealer. Section 25-13-602,
21 MCA, is repealed.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 Senate BILL NO. 267
2 INTRODUCED BY Holligan

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING TO UNMARRIED
5 PERSONS THE SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS
6 THOSE GRANTED TO PERSONS WHO ARE MARRIED OR HEADS OF
7 FAMILIES; AMENDING SECTIONS 25-13-611 THROUGH 25-13-613,
8 25-13-616, AND 25-13-617, MCA; REPEALING SECTION 25-13-602,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 25-13-611, MCA, is amended to read:
13 "25-13-611. Necessary household property. (1) The
14 following property is exempt from execution, except as
15 herein otherwise provided:

16 (a) all wearing apparel of the judgment debtor and
17 family;

18 (b) all chairs, tables, desks, and books to the value
19 of \$200;

20 (c) all necessary household, table, and kitchen
21 furniture of the judgment debtor, including one sewing
22 machine, stoves, stovepipes, and stove furniture, heating
23 apparatus, beds, bedding, and bedsteads, and provisions and
24 fuel provided for individual or family use sufficient for 3
25 months;

1 (d) 1 horse, saddle, and bridle; 2 cows and their
2 calves; 4 hogs; 50 domestic fowls, and feed for such animals
3 for 3 months;

4 (e) one clock; and

5 (f) all family pictures.

6 ~~†2) An unmarried person who is not the head of a~~
7 ~~family is not entitled to any of the exemptions herein~~
8 ~~mentioned, except that of the wearing apparel of the~~
9 ~~judgment debtor.~~

10 ~~†3) (2)~~ None of the property mentioned in this section
11 is exempt from execution issued upon a judgment recovered
12 for its price or upon a judgment of foreclosure of a
13 mortgage lien thereon, and no person not a bona fide
14 resident of this state shall have the benefit of these
15 exemptions."

16 Section 2. Section 25-13-612, MCA, is amended to read:

17 "25-13-612. Property necessary to carry on trade or
18 profession. (1) In addition to the property mentioned in
19 25-13-611, there shall be exempt to all judgment debtors who
20 ~~are married or who are heads of families~~ the following
21 property:

22 (a) to a farmer: farming utensils or implements of
23 husbandry, not exceeding in value \$600; two oxen or two
24 horses or mules and their harness, one cart or wagon, set of
25 sleds, and food for such oxen, horses, cows, or mules for 3



1 months; all seed, grain, or vegetables actually provided or
2 on hand for the purpose of planting or sowing the following
3 spring, not exceeding in value \$200;

4 (b) to a mechanic or artisan: tools or implements
5 necessary to carry on his trade;

6 (c) to a surgeon, physician, or dentist: the
7 instruments and chest necessary to the exercise of his
8 profession, with his scientific and professional libraries
9 and necessary office furniture;

10 (d) to attorneys at law and ministers of the gospel,
11 etc.: the professional libraries of attorneys, counselors
12 judges, ministers of the gospel, editors, schoolteachers,
13 and music teachers and their necessary office furniture; the
14 musical instruments of music teachers; the notarial seal,
15 records, and office furniture of a notary public;

16 (e) to a miner: his cabin or dwelling, sluices, and
17 pipes, hose, windlass, derricks, cars, pumps, tools,
18 implements, and appliances necessary for carrying on any
19 kind of mining operations, not exceeding in value the
20 aggregate sum of \$1,000; and one horse or mule with harness
21 and food for such horse or mule for 3 months, when such
22 horse or mule is used in working his mine or mining claim;

23 (f) to a civil, mining, or mechanical engineer:
24 instruments, tools, books, and records necessary to carry on
25 his profession;

1 (g) to a chemist or assayer: the tools, instruments,
2 and supplies necessary to carry on his profession;

3 (h) to a cartman, hackman, huckster, peddler,
4 teamster, or laborer: one horse or mule and harness for two
5 animals or two oxen and harness, and one cart or wagon, one
6 dray or truck, one hack or carriage by the use of which such
7 person habitually earns his living;

8 (i) one vehicle and harness or other equipment used by
9 a physician or surgeon or minister of the gospel in making
10 his professional visits, with food for such horse, mule, or
11 oxen for 3 months;

12 (j) to an osteopath or chiropractor: the instruments
13 and equipment necessary to the exercise of his profession,
14 with his scientific and professional library and necessary
15 office furniture.

16 (2) No article, however, or species of property
17 mentioned in this section is exempt from execution issued
18 upon a judgment recovered for its price or upon a judgment
19 of foreclosure of a mortgage lien thereon, and no person not
20 a bona fide resident of this state shall have the benefit of
21 these exemptions. No person can claim more than one of the
22 exemptions mentioned in subsections (1)(a) through (1)(i) of
23 this section."

24 Section 3. Section 25-13-613, MCA, is amended to read:
25 "25-13-613. Property necessary to carry out

1 governmental functions. (1) In addition to the property
 2 mentioned in 25-13-611, there shall be exempt to all
 3 judgment debtors ~~who--are--married--or--who--are--heads--of~~
 4 ~~families~~ the following property:

5 (a) all fire engines, hooks, and ladders, with the
 6 cart, trucks, and carriages, hose, buckets, implements, and
 7 apparatus thereto appertaining, and all furniture and
 8 uniforms of any fire company or department organized under
 9 any laws of this state;

10 (b) all arms, uniforms, and accouterments required by
 11 law to be kept by any person and one gun to be selected by
 12 the debtor;

13 (c) all courthouses, jails, public offices, and
 14 buildings, lots, grounds, and personal property, the
 15 fixtures, furniture, books, papers, and appurtenances
 16 belonging and pertaining to the courthouse, jail, and public
 17 offices belonging to any county of this state; and

18 (d) all cemeteries, public squares, parks, and places,
 19 public buildings, town halls, public markets, buildings for
 20 the use of fire departments and military organizations, and
 21 the lots and grounds thereto belonging and appertaining
 22 owned or held by any town or incorporated city or dedicated
 23 by such city or town to health, ornament, or public use or
 24 for the use of any fire or military company organized under
 25 the laws of the state.

1 (2) No article, however, or species of property
 2 mentioned in this section is exempt from execution issued
 3 upon a judgment recovered for its price or upon a judgment
 4 of foreclosure of a mortgage lien thereon, and no person not
 5 a bona fide resident of this state shall have the benefit of
 6 these exemptions."

7 Section 4. Section 25-13-616, MCA, is amended to read:

8 "25-13-616. Life insurance benefits. (1) In addition
 9 to the property mentioned in 25-13-611, there shall be
 10 exempt to all judgment debtors ~~who--are--married--or--who--are~~
 11 ~~heads-of--families~~ all moneys, benefits, privileges, or
 12 immunities accruing or in any manner growing out of any life
 13 insurance on the life of the debtor if the annual premiums
 14 paid do not exceed \$500.

15 (2) No article, however, or species of property
 16 mentioned in this section is exempt from execution issued
 17 upon a judgment recovered for its price or upon a judgment
 18 of foreclosure of a mortgage lien thereon, and no person not
 19 a bona fide resident of this state shall have the benefit of
 20 these exemptions."

21 Section 5. Section 25-13-617, MCA, is amended to read:

22 "25-13-617. Truck or automobile. (1) In addition to
 23 all other exemptions, one truck or automobile of the value
 24 of not more than \$1,000 is exempt from attachment or
 25 execution ~~where-the-debtor-is-the-head-of-a-family--or--over~~

1 60--years--of--age; but where debts are incurred by any such
2 debtor or his wife or family for the common necessities of
3 life, then such truck or automobile is nevertheless subject
4 to attachment and execution to satisfy debts so incurred.

5 (2) The words "his family", as used in this section,
6 are to be construed to include:

7 (a) the debtor's spouse;

8 (b) every person who resides with the debtor under his
9 care or maintenance and who is:

10 (i) a minor child of the debtor or of his spouse or
11 former spouse;

12 (ii) a minor grandchild, brother, or sister or minor
13 child of a brother or sister of the debtor or of his spouse;

14 (iii) a father, mother, grandfather, or grandmother of
15 the debtor or of his spouse or former spouse;

16 (iv) an unmarried sister, brother, or any other
17 relative of the debtor mentioned in this section who has
18 attained the age of majority and is unable to care for or
19 support himself."

20 NEW SECTION. Section 6. Repealer. Section 25-13-602,
21 MCA, is repealed.

-End-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Senate BILL NO. 267

INTRODUCED BY *Holliman*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING TO UNMARRIED PERSONS THE SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS THOSE GRANTED TO PERSONS WHO ARE MARRIED OR HEADS OF FAMILIES; AMENDING SECTIONS 25-13-611 THROUGH 25-13-613, 25-13-616, AND 25-13-617, MCA; REPEALING SECTION 25-13-602, MCA."

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

Section 1. Section 25-13-611, MCA, is amended to read:

"25-13-611. Necessary household property. (1) The following property is exempt from execution, except as herein otherwise provided:

(a) all wearing apparel of the judgment debtor and family;

(b) all chairs, tables, desks, and books to the value of \$200;

(c) all necessary household, table, and kitchen furniture of the judgment debtor, including one sewing machine, stoves, stovepipes, and stove furniture, heating apparatus, beds, bedding, and bedsteads, and provisions and fuel provided for individual or family use sufficient for 3 months;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(d) 1 horse, saddle, and bridle; 2 cows and their calves; 4 hogs; 50 domestic fowls, and feed for such animals for 3 months;

(e) one clock; and

(f) all family pictures.

~~(2) An unmarried person who is not the head of a family is not entitled to any of the exemptions herein mentioned, except that of the wearing apparel of the judgment debtor.~~

~~(3)(2)~~ None of the property mentioned in this section is exempt from execution issued upon a judgment recovered for its price or upon a judgment of foreclosure of a mortgage lien thereon, and no person not a bona fide resident of this state shall have the benefit of these exemptions."

Section 2. Section 25-13-612, MCA, is amended to read:

"25-13-612. Property necessary to carry on trade or profession. (1) In addition to the property mentioned in 25-13-611, there shall be exempt to all judgment debtors who ~~are married or who are heads of families~~ the following property:

(a) to a farmer: farming utensils or implements of husbandry, not exceeding in value \$600; two oxen or two horses or mules and their harness, one cart or wagon, set of sleds, and food for such oxen, horses, cows, or mules for 3

1 months; all seed, grain, or vegetables actually provided or
2 on hand for the purpose of planting or sowing the following
3 spring, not exceeding in value \$200;

4 (b) to a mechanic or artisan: tools or implements
5 necessary to carry on his trade;

6 (c) to a surgeon, physician, or dentist: the
7 instruments and chest necessary to the exercise of his
8 profession, with his scientific and professional libraries
9 and necessary office furniture;

10 (d) to attorneys at law and ministers of the gospel,
11 etc.: the professional libraries of attorneys, counselors,
12 judges, ministers of the gospel, editors, schoolteachers,
13 and music teachers and their necessary office furniture; the
14 musical instruments of music teachers; the notarial seal,
15 records, and office furniture of a notary public;

16 (e) to a miner: his cabin or dwelling, sluices, and
17 pipes, hose, windlass, derricks, cars, pumps, tools,
18 implements, and appliances necessary for carrying on any
19 kind of mining operations, not exceeding in value the
20 aggregate sum of \$1,000; and one horse or mule with harness
21 and food for such horse or mule for 3 months, when such
22 horse or mule is used in working his mine or mining claim;

23 (f) to a civil, mining, or mechanical engineer:
24 instruments, tools, books, and records necessary to carry on
25 his profession;

1 (g) to a chemist or assayer: the tools, instruments,
2 and supplies necessary to carry on his profession;

3 (h) to a cartman, hackman, huckster, peddler,
4 teamster, or laborer: one horse or mule and harness for two
5 animals or two oxen and harness, and one cart or wagon, one
6 dray or truck, one hack or carriage by the use of which such
7 person habitually earns his living;

8 (i) one vehicle and harness or other equipment used by
9 a physician or surgeon or minister of the gospel in making
10 his professional visits, with food for such horse, mule, or
11 oxen for 3 months;

12 (j) to an osteopath or chiropractor: the instruments
13 and equipment necessary to the exercise of his profession,
14 with his scientific and professional library and necessary
15 office furniture.

16 (2) No article, however, or species of property
17 mentioned in this section is exempt from execution issued
18 upon a judgment recovered for its price or upon a judgment
19 of foreclosure of a mortgage lien thereon, and no person not
20 a bona fide resident of this state shall have the benefit of
21 these exemptions. No person can claim more than one of the
22 exemptions mentioned in subsections (1)(a) through (1)(i) of
23 this section."

24 Section 3. Section 25-13-613, MCA, is amended to read:
25 "25-13-613. Property necessary to carry out

1 governmental functions. (1) In addition to the property
2 mentioned in 25-13-611, there shall be exempt to all
3 judgment debtors ~~who--are--married--or--who--are--heads--of~~
4 ~~families~~ the following property:

5 (a) all fire engines, hooks, and ladders, with the
6 cart, trucks, and carriages, hose, buckets, implements, and
7 apparatus thereto appertaining, and all furniture and
8 uniforms of any fire company or department organized under
9 any laws of this state;

10 (b) all arms, uniforms, and accouterments required by
11 law to be kept by any person and one gun to be selected by
12 the debtor;

13 (c) all courthouses, jails, public offices, and
14 buildings, lots, grounds, and personal property, the
15 fixtures, furniture, books, papers, and appurtenances
16 belonging and pertaining to the courthouse, jail, and public
17 offices belonging to any county of this state; and

18 (d) all cemeteries, public squares, parks, and places,
19 public buildings, town halls, public markets, buildings for
20 the use of fire departments and military organizations, and
21 the lots and grounds thereto belonging and appertaining
22 owned or held by any town or incorporated city or dedicated
23 by such city or town to health, ornament, or public use or
24 for the use of any fire or military company organized under
25 the laws of the state.

1 (2) No article, however, or species of property
2 mentioned in this section is exempt from execution issued
3 upon a judgment recovered for its price or upon a judgment
4 of foreclosure of a mortgage lien thereon, and no person not
5 a bona fide resident of this state shall have the benefit of
6 these exemptions."

7 Section 4. Section 25-13-616, MCA, is amended to read:

8 "25-13-616. Life insurance benefits. (1) In addition
9 to the property mentioned in 25-13-611, there shall be
10 exempt to all judgment debtors ~~who--are--married--or--who--are~~
11 ~~heads--of--families~~ all moneys, benefits, privileges, or
12 immunities accruing or in any manner growing out of any life
13 insurance on the life of the debtor if the annual premiums
14 paid do not exceed \$500.

15 (2) No article, however, or species of property
16 mentioned in this section is exempt from execution issued
17 upon a judgment recovered for its price or upon a judgment
18 of foreclosure of a mortgage lien thereon, and no person not
19 a bona fide resident of this state shall have the benefit of
20 these exemptions."

21 Section 5. Section 25-13-617, MCA, is amended to read:

22 "25-13-617. Truck or automobile. (1) In addition to
23 all other exemptions, one truck or automobile of the value
24 of not more than \$1,000 is exempt from attachment or
25 execution ~~where-the-debtor-is-the-head-of-a-family--or--over~~

1 ~~60--years--of--age~~; but where debts are incurred by any such
2 debtor or his wife or family for the common necessities of
3 life, then such truck or automobile is nevertheless subject
4 to attachment and execution to satisfy debts so incurred.

5 (2) The words "his family", as used in this section,
6 are to be construed to include:

7 (a) the debtor's spouse;

8 (b) every person who resides with the debtor under his
9 care or maintenance and who is:

10 (i) a minor child of the debtor or of his spouse or
11 former spouse;

12 (ii) a minor grandchild, brother, or sister or minor
13 child of a brother or sister of the debtor or of his spouse;

14 (iii) a father, mother, grandfather, or grandmother of
15 the debtor or of his spouse or former spouse;

16 (iv) an unmarried sister, brother, or any other
17 relative of the debtor mentioned in this section who has
18 attained the age of majority and is unable to care for or
19 support himself."

20 NEW SECTION. Section 6. Repealer. Section 25-13-602,
21 MCA, is repealed.

-End-

1 SENATE BILL NO. 267
2 INTRODUCED BY HALLIGAN
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING TO UNMARRIED
5 PERSONS THE SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS
6 THOSE GRANTED TO PERSONS WHO ARE MARRIED OR HEADS OF
7 FAMILIES; AMENDING SECTIONS 25-13-611 THROUGH 25-13-613,
8 25-13-616, AND 25-13-617, MCA; REPEALING SECTION 25-13-602,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 25-13-611, MCA, is amended to read:

13 "25-13-611. Necessary household property. (1) The
14 following property is exempt from execution, except as
15 herein otherwise provided:

16 (a) all wearing apparel of the judgment debtor and
17 family;

18 (b) all chairs, tables, desks, and books to the value
19 of \$200;

20 (c) all necessary household, table, and kitchen
21 furniture of the judgment debtor, including one sewing
22 machine, stoves, stovepipes, and stove furniture, heating
23 apparatus, beds, bedding, and bedsteads, and provisions and
24 fuel provided for individual or family use sufficient for 3
25 months;

1 (d) 1 horse, saddle, and bridle; 2 cows and their
2 calves; 4 hogs; 50 domestic fowls, and feed for such animals
3 for 3 months;

4 (e) one clock; and

5 (f) all family pictures.

6 ~~{2}--An--unmarried--person--who--is--not--the--head--of--a~~
7 ~~family--is--not--entitled--to--any--of--the--exemptions--herein~~
8 ~~mentioned;--except--that--of--the--wearing--apparel--of--the~~
9 ~~judgment--debtor;~~

10 ~~{3}{2}~~ None of the property mentioned in this section
11 is exempt from execution issued upon a judgment recovered
12 for its price or upon a judgment of foreclosure of a
13 mortgage lien thereon, and no person not a bona fide
14 resident of this state shall have the benefit of these
15 exemptions."

16 Section 2. Section 25-13-612, MCA, is amended to read:

17 "25-13-612. Property necessary to carry on trade or
18 profession. (1) In addition to the property mentioned in
19 25-13-611, there shall be exempt to all judgment debtors who
20 ~~are--married--or--who--are--heads--of--families~~ the following
21 property:

22 (a) to a farmer: farming utensils or implements of
23 husbandry, not exceeding in value \$600; two oxen or two
24 horses or mules and their harness, one cart or wagon, set of
25 sleds, and food for such oxen, horses, cows, or mules for 3

1 months; all seed, grain, or vegetables actually provided or
2 on hand for the purpose of planting or sowing the following
3 spring, not exceeding in value \$200;

4 (b) to a mechanic or artisan: tools or implements
5 necessary to carry on his trade;

6 (c) to a surgeon, physician, or dentist: the
7 instruments and chest necessary to the exercise of his
8 profession, with his scientific and professional libraries
9 and necessary office furniture;

10 (d) to attorneys at law and ministers of the gospel,
11 etc.: the professional libraries of attorneys, counselors,
12 judges, ministers of the gospel, editors, schoolteachers,
13 and music teachers and their necessary office furniture; the
14 musical instruments of music teachers; the notarial seal,
15 records, and office furniture of a notary public;

16 (e) to a miner: his cabin or dwelling, sluices, and
17 pipes, hose, windlass, derricks, cars, pumps, tools,
18 implements, and appliances necessary for carrying on any
19 kind of mining operations, not exceeding in value the
20 aggregate sum of \$1,000; and one horse or mule with harness
21 and food for such horse or mule for 3 months, when such
22 horse or mule is used in working his mine or mining claim;

23 (f) to a civil, mining, or mechanical engineer:
24 instruments, tools, books, and records necessary to carry on
25 his profession;

1 (g) to a chemist or assayer: the tools, instruments,
2 and supplies necessary to carry on his profession;

3 (h) to a cartman, hackman, huckster, peddler,
4 teamster, or laborer: one horse or mule and harness for two
5 animals or two oxen and harness, and one cart or wagon, one
6 dray or truck, one hack or carriage by the use of which such
7 person habitually earns his living;

8 (i) one vehicle and harness or other equipment used by
9 a physician or surgeon or minister of the gospel in making
10 his professional visits, with food for such horse, mule, or
11 oxen for 3 months;

12 (j) to an osteopath or chiropractor: the instruments
13 and equipment necessary to the exercise of his profession,
14 with his scientific and professional library and necessary
15 office furniture.

16 (2) No article, however, or species of property
17 mentioned in this section is exempt from execution issued
18 upon a judgment recovered for its price or upon a judgment
19 of foreclosure of a mortgage lien thereon, and no person not
20 a bona fide resident of this state shall have the benefit of
21 these exemptions. No person can claim more than one of the
22 exemptions mentioned in subsections (1)(a) through (1)(i) of
23 this section."

24 Section 3. Section 25-13-613, MCA, is amended to read:

25 "25-13-613. Property necessary to carry out

1 governmental functions. (1) In addition to the property
2 mentioned in 25-13-611, there shall be exempt to all
3 judgment debtors ~~who--are--married--or--who--are--heads--of~~
4 ~~families~~ the following property:

5 (a) all fire engines, hooks, and ladders, with the
6 cart, trucks, and carriages, hose, buckets, implements, and
7 apparatus thereto appertaining, and all furniture and
8 uniforms of any fire company or department organized under
9 any laws of this state;

10 (b) all arms, uniforms, and accouterments required by
11 law to be kept by any person and one gun to be selected by
12 the debtor;

13 (c) all courthouses, jails, public offices, and
14 buildings, lots, grounds, and personal property, the
15 fixtures, furniture, books, papers, and appurtenances
16 belonging and pertaining to the courthouse, jail, and public
17 offices belonging to any county of this state; and

18 (d) all cemeteries, public squares, parks, and places,
19 public buildings, town halls, public markets, buildings for
20 the use of fire departments and military organizations, and
21 the lots and grounds thereto belonging and appertaining
22 owned or held by any town or incorporated city or dedicated
23 by such city or town to health, ornament, or public use or
24 for the use of any fire or military company organized under
25 the laws of the state.

1 (2) No article, however, or species of property
2 mentioned in this section is exempt from execution issued
3 upon a judgment recovered for its price or upon a judgment
4 of foreclosure of a mortgage lien thereon, and no person not
5 a bona fide resident of this state shall have the benefit of
6 these exemptions."

7 Section 4. Section 25-13-616, MCA, is amended to read:

8 "25-13-616. Life insurance benefits. (1) In addition
9 to the property mentioned in 25-13-611, there shall be
10 exempt to all judgment debtors ~~who-are-married-or-who-are~~
11 ~~heads-of--families~~ all moneys, benefits, privileges, or
12 immunities accruing or in any manner growing out of any life
13 insurance on the life of the debtor if the annual premiums
14 paid do not exceed \$500.

15 (2) No article, however, or species of property
16 mentioned in this section is exempt from execution issued
17 upon a judgment recovered for its price or upon a judgment
18 of foreclosure of a mortgage lien thereon, and no person not
19 a bona fide resident of this state shall have the benefit of
20 these exemptions."

21 Section 5. Section 25-13-617, MCA, is amended to read:

22 "25-13-617. Truck or automobile. (1) In addition to
23 all other exemptions, one truck or automobile of the value
24 of not more than \$1,000 is exempt from attachment or
25 execution ~~where-the-debtor-is-the-head-of-a-family--or--over~~

1 60--years--of--age; but where debts are incurred by any such
2 debtor or his wife or family for the common necessities of
3 life, then such truck or automobile is nevertheless subject
4 to attachment and execution to satisfy debts so incurred.

5 (2) The words "his family", as used in this section,
6 are to be construed to include:

7 (a) the debtor's spouse;

8 (b) every person who resides with the debtor under his
9 care or maintenance and who is:

10 (i) a minor child of the debtor or of his spouse or
11 former spouse;

12 (ii) a minor grandchild, brother, or sister or minor
13 child of a brother or sister of the debtor or of his spouse;

14 (iii) a father, mother, grandfather, or grandmother of
15 the debtor or of his spouse or former spouse;

16 (iv) an unmarried sister, brother, or any other
17 relative of the debtor mentioned in this section who has
18 attained the age of majority and is unable to care for or
19 support himself."

20 NEW SECTION. Section 6. Repealer. Section 25-13-602,
21 MCA, is repealed.

-End-