

Proposed 2013 Session Legislation

Agency Name & No: Department of Revenue - 5801

Priority Number: 4 **Filename:** 5801\05-004

Short Title: Allow for electronic service of notices of levy and writs of execution

Agency Contact Person/Phone: Steve Austin/444-1479

1. Purpose:

To improve the efficiency of how notices of levy and writs of execution are served upon and by the Department of Revenue by allowing for electronic service. Allowing electronic service would expedite the process; improve efficiencies; and be less costly to administer.

2. Background:

This proposed legislation would allow the department to electronically serve notices of levy upon consenting third parties holding a judgment debtor's assets. Under current state statute, 15-1-706(2), MCA, the department serves notices of levy via certified mail. Approximately 150 of these documents are served monthly at a certified mail charge of \$5.50 plus return postage. The legislation would also allow a sheriff or levying officer to electronically serve a writ of execution upon the department by amending 25-13-402(7), MCA. Under the current statute 25-13-402(1), MCA, a sheriff or levying officer is required to personally serve a writ of execution upon the department unless the department consents in writing to service by mail. There is no provision in current statute to allow the department to consent to electronic service.

3. Fiscal Impact by Fund Type: *This impact should be as specific as possible.*

Based upon the estimated number of notices of levy served via certified mail each year, this proposed legislation would create an estimated savings to the general fund of \$10,800 annually. As well, the electronic service of writs of execution will create processing efficiencies for both the department and those serving the department; however, a defined savings in dollars cannot be determined.

4. Summary Checklist [Check & complete all that apply]--

<input checked="" type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input type="checkbox"/> Audit Recommendation (Audit No. <input type="text"/>)	<input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number <input type="text"/>	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by	List FTE amount and program <input type="text"/>		
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):	<input type="text"/>		
<input type="checkbox"/> Legislation would affect other state agencies (list):	<input type="text"/>		
<input checked="" type="checkbox"/> Special Interest Groups Affected (list):	Creditors serving writs of execution upon the department		
<input checked="" type="checkbox"/> Other:	Legislation would create an estimated savings of \$10,800 to the state general fund		