

Accompanying the twenty-eighth recommendation of the Department of Revenue (House, No. 290). Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT REVISING THE LIEN AND LEVY PROVISIONS APPLICABLE TO STATE TAXES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 50 of chapter 62C of the
2 General Laws, as appearing in section 22 of chapter 415 of the acts
3 of 1976, is hereby amended by striking out the last sentence and
4 inserting in place thereof the following sentence: — Said lien shall
5 in any event terminate not later than ten years from the date it was
6 created.

1 SECTION 2. Subsection (a) of section 53 of said chapter 62C,
2 as appearing in section 22 of chapter 415 of the acts of 1976, is
3 hereby amended by striking out, in the first sentence, the words
4 “except such property as is exempt under section twenty-four of
5 chapter sixty,”.

1 SECTION 3. Section 53 of said chapter 62C, is hereby further
2 amended by adding at the end thereof the following subsection: —
3 (d) The effect of a levy on salary or wages payable to or received
4 by a taxpayer shall be continuous from the date such levy is first
5 made until the liability out of which such levy arose is satisfied or
6 becomes unenforceable by reason of lapse to time. With respect to
7 a levy described in this subsection, the commissioner shall
8 promptly release the levy when the liability out of which such levy
9 arose is satisfied or becomes unenforceable by reason of lapse to
10 time, and shall promptly notify the person upon whom such levy
11 was made that such levy has been released.

1 SECTION 4. Said chapter 62C is hereby further amended by
2 inserting after section 55 the following section: —

3 *Section 55A. (a)* There shall be exempt from levy the following
4 property: —

5 (1) Such items of wearing apparel and such school books as are
6 necessary for the taxpayer or for the members of his family.

7 (2) If the taxpayer is the head of a family, so much of the fuel,
8 provisions, furniture and personal effects in his household, and of
9 the arms for personal use, livestock, and poultry of the taxpayer, as
10 does not exceed fifteen hundred dollars in value.

11 (3) So many of the books and tools necessary for the trade,
12 business or profession of the taxpayer as do not exceed in the
13 aggregate one thousand dollars in value.

14 (4) Any amount payable to an individual with respect to his
15 unemployment (including any portion thereof payable with respect
16 to dependents) under an unemployment compensation law of the
17 United States, or of any state.

18 (5) Mail, addressed to any person, which has not been delivered
19 to the addressee.

20 (6) Annuity or pension payments under the Railroad Retirement
21 Act, benefits under the Railroad Unemployment Insurance Act,
22 special pension payments received by a person whose name has
23 been entered on the Army, Navy, Air Force and Coast Guard
24 Medal of Honor Roll (38 U.S.C. 562), and annuities based on
25 retired or retainer pay under chapter seventy-three of title ten of the
26 United States Code.

27 (7) Any amount payable to an individual as workmen's compen-
28 sation (including any portion thereof payable with respect to
29 dependents) under a workmen's compensation law of the United
30 States, or of any state.

31 (8) If the taxpayer is required by judgment of a court of compe-
32 tent jurisdiction, entered prior to the date of levy, to contribute to
33 the support of his minor children, so much of his salary, wages, or
34 other income as is necessary to comply with such judgment.

35 (9) Any amount payable to or received by an individual as wages
36 or salary for personal services, or as income derived from other
37 sources, during any period, to the extent that the total of such
38 amounts payable to or received by him during such period does not

39 exceed the applicable exempt amount determined under subsec-
40 tion (d).

41 (b) The officer seizing property of the type described in subsec-
42 tion (a) shall appraise and set aside to the owner the amount of
43 such property declared to be exempt. If the taxpayer objects at the
44 time of the seizure to the valuation fixed by the officer making the
45 seizure, the commissioner shall summon three disinterested indi-
46 viduals who shall make the valuation.

47 (c) Notwithstanding any other law, no property or rights to
48 property shall be exempt from levy other than the property specifi-
49 cally made exempt by subsection (a).

50 (d) (1) In the case of an individual who is paid or receives all of
51 his wages, salary, and other income on a weekly basis, the amount
52 of the wages, salary, and other income payable to or received by
53 him during any week which is exempt from levy under subsection
54 (a) (9) shall be:

55 (A) \$75, plus

56 (B) \$25 for each individual who is specified in a written state-
57 ment which is submitted to the person on whom notice of levy is
58 served and which is verified in such manner as the commissioner
59 shall prescribe by regulations and:

60 (i) over half of whose support for the payroll period was received
61 from the taxpayer,

62 (ii) who is the spouse of the taxpayer, or who bears a relationship
63 to the taxpayer specified in paragraphs (1) through (9) of section
64 152(a) (relating to definition of dependents), of the Code, and

65 (iii) who is not a minor child of the taxpayer with respect to
66 whom amounts are exempt from levy under subsection (a)(8) for
67 the payroll period.

68 For purposes of subparagraph (B)(ii) of the preceding sentence,
69 "payroll period" shall be substituted for "taxable year" each place it
70 appears in paragraph (9) of section 152(a).

71 (2) In the case of any individual not described in paragraph (1),
72 the amount of the wages, salary, and other income payable to or
73 received by him during any applicable pay period or other fiscal
74 period (as determined under regulations prescribed by the commis-
75 sioner) which is exempt from levy under subsection (a)(9) shall be
76 an amount (determined under such regulations) which as nearly as

77 possible will result in the same total exemption from levy for such
78 individual over a period of time as he would have under paragraph
79 (1) if (during such period of time) he were paid or received such
80 wages, salary, and other income on a regular weekly basis.

1 SECTION 5. Paragraph (1) of subsection (b) of section 58 of
2 said chapter 62C, as appearing in section 22 of chapter 415 of the
3 acts of 1976, is hereby amended by striking out the word "twenty"
4 and inserting in place thereof the word: — eighty.

1 SECTION 6. This act shall apply to all liens in existence and all
2 liens and levies imposed on or after the effective date of this act.