

HOUSE BILL NO. 51

INTRODUCED BY J. HAMILTON

BY REQUEST OF THE REVENUE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MONTANA ACHIEVING A BETTER LIFE EXPERIENCE ACT LAWS TO REMOVE REFERENCES TO A REPEALED DEFINITION; AND AMENDING SECTION 53-25-122, MCA."

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

**Section 1.** Section 53-25-122, MCA, is amended to read:

**"53-25-122. Exemption from claims of creditors.** (1) Except as provided in subsection (3) and 26 U.S.C. 529A, up to \$100,000 of assets and earnings held in and distributions from the trust by or on behalf of ~~an account owner, a~~ contributor, or designated beneficiary of a participating trust agreement are exempt from all claims of creditors of the ~~account owner, contributor,~~ or designated beneficiary.

(2) Subsection (1) applies to assets and earnings held in and distributions from a qualified program established as provided in section 529A of the Internal Revenue Code, 26 U.S.C. 529A, and maintained by another state if the ~~owner, contributor,~~ or designated beneficiary is a Montana resident.

(3) Assets, earnings, and distributions are not protected from claims if the contribution violates the Uniform Fraudulent Transfer Act provided for in Title 31, chapter 2, part 3, or 11 U.S.C. 548."

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