

TITLE 4: ECONOMIC RESOURCES
DIVISION 1: REVENUE AND TAXATION

§ 1861. Notice and Opportunity for Hearing Upon Filing of Notice of Lien.

(a) *Requirement of notice.*

(1) In general. The Secretary shall notify in writing the person described in section 1862 of the filing of a notice of lien under section 1864.

(2) Time and method for notice. The notice required under paragraph (1) shall be:

(A) Given in person;

(B) Left at the dwelling or usual place of business of such person; or

(C) Sent by certified or registered mail to such person's last known address, not more than 5 business days after the day of the filing of the notice of lien.

(3) Information included with notice. The notice required under paragraph (1) shall include in simple and nontechnical terms:

(A) The amount of unpaid tax;

(B) The right of the person to request a hearing during the 30-day period beginning on the day after the 5-day period described in paragraph (2);

(C) The administrative appeals available to the taxpayer with respect to such lien and the procedures relating to such appeals; and

(D) The provisions of this title and procedures relating to the release of liens on property.

(b) *Right to fair hearing.*

(1) In general. If the person requests a hearing under subsection (a)(3)(B), such hearing shall be held by the Technical, Research and Appeals Branch of the Division of Revenue and Taxation.

(2) One hearing per period. A person shall be entitled to only one hearing under this section with respect to the taxable period to which the unpaid tax specified in subsection (A)(3)(A) relates.

(3) Impartial officer. The hearing under this subsection shall be conducted by an officer or employee who has had no prior involvement with respect to the unpaid tax specified in subsection (a)(3)(A) before the first hearing under this section or § 1871. A taxpayer may waive the requirement of this paragraph.

(4) Coordination with § 1871. To the extent practicable, a hearing under this section shall be held in conjunction with a hearing under section 1871.

(c) *Conduct of hearing; review; suspensions.* For purposes of this section, subsections (c), (d) (other than paragraph (2)(B) thereof), and (e) of section 1871 shall apply.

Source: PL 14-35, § 4 (1860), modified.

Commission Comment: In the section above, the Commission changed the section numbers originally referenced in PL 14-35 to the proper renumbered section numbers pursuant to its authority by 1 CMC § 3806(c).