

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 1: REVENUE AND TAXATION**

**§ 1874. Property Exempt From Levy.**

(a) *Enumeration.* There shall be exempt from levy:

(1) Wearing Apparel And School Books. Such items of wearing apparel and such school books as are necessary for the taxpayer or for members of his family;

(2) Fuel, Provisions, Furniture, and Personal Effects. If the taxpayer is the head of a family, so much of the fuel, provisions, furniture, and personal effects in his household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed in amount that allowed under the NMTIT;

(3) Books and Tools of a Trade, Business, or Profession. So many of the books and tools necessary for the trade, business, or profession of the taxpayer as do not exceed in amount in the aggregate that allowed under the NMTIT;

(4) Undelivered Mail. Mail, addressed to any person, which has not been delivered to the addressee.

(5) Worker's Compensation. Any amount payable to an individual as worker's compensation (including any portion thereof payable with respect to dependents) under a worker's compensation law of the Commonwealth, the United States, or any state, possession, or territory of the United States.

(6) Judgments for Support of Minor Children. If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

(7) Minimum Exemption for Wages, Salary, and Other Income. Any amount payable to or received by an individual as wages or salary for personal services, or as income derived from other sources, during any period, to the extent that the total of such amounts payable to or received by him during such period does not exceed the applicable exempt amount determined under subsection (d).

(8) Principal Residence Exempt in Absence of Certain Approval or Jeopardy. Except to the extent provided in subsection (e), the principal residence of the taxpayer (within the meaning of section 1034 of the NMTIT).

(9) Other Items. Such other property as is exempt from levy under NMTIT § 6334.

(b) *Appraisal.* The officer seizing property of the type described in subsection (a) shall appraise and set aside to the owner the amount of such property declared to be exempt. If the taxpayer objects at the time of the seizure to the valuation fixed by the officer making the seizure, the Secretary shall summon two disinterested individuals who shall make the valuation.

(c) *No Other Property Exempt.* Notwithstanding any other law of the Commonwealth, no property or rights to property shall be exempt from levy other than the property specifically made exempt by subsection (a).

(d) *Exempt Amount of Wages, Salary, or Other Income.*

(1) Individuals on Weekly Basis. In the case of an individual who is paid or receives all of his wages, salary, and other income on a weekly basis, the amount of the wages, salary, and other income payable to or received by him

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 1: REVENUE AND TAXATION**

during any week which is exempt from levy under subsection (a)(7) shall be the exempt amount.

(2) Exempt Amount. For purposes of paragraph (1), the term exempt amount means an amount equal to:

(A) The sum of:

(i) The “standard deduction” as defined under the NMTIT, and

(ii) The aggregate amount of the deductions for personal exemptions allowed the taxpayer under section 151 of the NMTIT in the taxable year in which such levy occurs, divided by

(B) 52.

Unless the taxpayer submits to the Secretary a written and properly verified statement specifying the facts necessary to determine the proper amount under subparagraph (A), subparagraph (A) shall be applied as if the taxpayer were a married individual filing a separate return with only 1 personal exemption.

(3) Individuals on Basis Other than Weekly. In the case of any individual not described in paragraph (1), the amount of the wages, salary, and other income payable to or received by him during any applicable pay period or other fiscal period (as determined under regulations prescribed by the Secretary) which is exempt from levy under subsection (a)(7) shall be an amount (determined under such regulations) which as nearly as possible will result in the same total exemption from levy for such individual over a period of time as he would have under paragraph (1) if (during such period of time) he were paid or received such wages, salary, and other income on a regular weekly basis.

(e) Levy Allowed on Principal residence in Case of Jeopardy or Certain Approval. Property described in subsection (a)(8) shall not be exempt from levy if:

(1) The Secretary personally approves (in writing) the levy of such property, or

(2) The Secretary finds that the collection of tax is in jeopardy, as defined in § 1872(d)(2).

**Source:** PL 14-35, § 4 (1873), modified.

**Commission Comment:** In subsection (e)(2) above, the Commission changed the section number originally referenced in PL 14-35 to the proper renumbered section number pursuant to its authority by 1 CMC § 3806(c).