

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1552

62nd Legislature
2012 Regular Session

Passed by the House March 5, 2012
Yeas 56 Nays 41

Speaker of the House of Representatives

Passed by the Senate March 1, 2012
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1552** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1552

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representative Goodman)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to garnishment; amending RCW 6.27.010, 6.27.090,
2 6.27.100, 6.27.340, 6.27.110, 6.27.140, 6.27.140, 6.27.150, 6.27.190,
3 6.27.200, 6.27.250, 6.27.330, 6.27.350, 6.27.360, 6.27.370, 2.10.180,
4 2.12.090, 41.20.180, 41.28.200, 41.34.080, 41.35.100, 41.37.090,
5 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW
6 41.32.052 and 41.26.053; adding a new section to chapter 6.27 RCW;
7 providing an effective date; and providing an expiration date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 6.27.010 and 2003 c 222 s 16 are each amended to read
10 as follows:

11 (1) As used in this chapter, the term "earnings" means compensation
12 paid or payable to an individual for personal services, whether
13 denominated as wages, salary, commission, bonus, or otherwise, and
14 includes periodic payments pursuant to a governmental or
15 nongovernmental pension or retirement program.

16 (2) As used in this chapter, the term "disposable earnings" means
17 that part of earnings remaining after the deduction from those earnings
18 of any amounts required by law to be withheld.

1 **Sec. 2.** RCW 6.27.090 and 2000 c 72 s 2 are each amended to read as
2 follows:

3 (1) The writ of garnishment shall set forth in the first paragraph
4 the amount that garnishee is required to hold, which shall be an amount
5 determined as follows: (a)(i) If after judgment, the amount of the
6 judgment remaining unsatisfied on the clerk of the court's execution
7 docket, if any, plus interest to the date of garnishment, as provided
8 in RCW 4.56.110, plus estimated interest that may accrue during the
9 garnishment process on a per diem basis under subsection (3) of this
10 section plus taxable costs and (~~(attorney's)~~) attorneys' fees, or (ii)
11 if before judgment, the amount prayed for in the complaint plus
12 estimated taxable costs of suit and attorneys' fees, together with, (b)
13 whether before or after judgment, estimated costs of garnishment as
14 provided in subsection (2) of this section. The court may, by order,
15 set a higher amount to be held upon a showing of good cause by
16 plaintiff.

17 (2) Costs recoverable in garnishment proceedings, to be estimated
18 for purposes of subsection (1) of this section, include filing and ex
19 parte fees, service and affidavit fees, postage and costs of certified
20 mail, answer fee or fees, other fees legally chargeable to a plaintiff
21 in the garnishment process, and a garnishment attorney fee in the
22 amount of the greater of (~~(fifty)~~) one hundred dollars or ten percent
23 of (a) the amount of the judgment remaining unsatisfied or (b) the
24 amount prayed for in the complaint. The garnishment attorney fee shall
25 not exceed (~~(two)~~) three hundred (~~(fifty)~~) dollars.

26 (3) For purposes of subsection (1) of this section, the plaintiff
27 must indicate in the writ a specific dollar amount of estimated
28 interest that may accrue during the garnishment process per day. The
29 amount must be based on an interest rate of twelve percent or the
30 interest rate set forth in the judgment, whichever rate is less.

31 **Sec. 3.** RCW 6.27.100 and 2003 c 222 s 4 are each amended to read
32 as follows:

33 (1) (~~The~~) A writ issued for a continuing lien on earnings shall
34 be substantially in the form provided in section 4 of this act. All
35 other writs of garnishment shall be substantially in the following
36 form, but if the writ is issued under (~~a court~~) an order or judgment
37 for child support, the following statement shall appear conspicuously

1 in the caption: "This garnishment is based on a judgment or ((court))
2 order for child support"; and ((if the garnishment is for a continuing
3 lien, the form shall be modified as provided in RCW 6.27.340; and if
4 the writ is not directed to an employer for the purpose of garnishing
5 a defendant's earnings, the paragraph relating to the earnings
6 exemption may be omitted and the paragraph relating to the deduction of
7 processing fees may be omitted; and)) if the writ is issued by an
8 attorney, the writ shall be revised as indicated in subsection (2) of
9 this section:

10 "IN THE COURT
11 OF THE STATE OF WASHINGTON IN AND FOR
12 THE COUNTY OF

13 ,
14 Plaintiff, No.
15 vs.
16 , WRIT OF
17 Defendant, GARNISHMENT
18 ,
19 Garnishee

20 THE STATE OF WASHINGTON TO:
21 Garnishee

22 AND TO:
23 Defendant

24 The above-named plaintiff has applied for a writ of
25 garnishment against you, claiming that the above-named
26 defendant is indebted to plaintiff and that the amount to be
27 held to satisfy that indebtedness is \$....., consisting of:

28	Balance on Judgment or Amount of Claim	\$....
29	Interest under Judgment from to	\$....
30	<u>Per Day Rate of Estimated Interest</u>	<u>\$....</u>
31		<u>per day</u>
32	Taxable Costs and Attorneys' Fees	\$....
33	Estimated Garnishment Costs:	
34	<u>Filing and Ex Parte Fees</u>	\$....
35	Service and Affidavit Fees	\$....

1	Postage and Costs of Certified Mail	\$....
2	Answer Fee or Fees ((If applicable))	\$....
3	Garnishment Attorney Fee	\$....
4	Other	\$....

5 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
6 by the attorney of record for the plaintiff, or by this writ, not to
7 pay any debt, whether earnings subject to this garnishment or any other
8 debt, owed to the defendant at the time this writ was served and not to
9 deliver, sell, or transfer, or recognize any sale or transfer of, any
10 personal property or effects of the defendant in your possession or
11 control at the time when this writ was served. Any such payment,
12 delivery, sale, or transfer is void to the extent necessary to satisfy
13 the plaintiff's claim and costs for this writ with interest.

14 YOU ARE FURTHER COMMANDED to answer this writ (~~(by filling in the~~
15 ~~attached form)~~) according to the instructions in this writ and in the
16 answer forms and, within twenty days after the service of the writ upon
17 you, to mail or deliver the original of such answer to the court, one
18 copy to the plaintiff or the plaintiff's attorney, and one copy to the
19 defendant, (~~(in the envelopes provided)~~) at the addresses listed at the
20 bottom of this writ.

21 (~~(If, at the time this writ was served, you owed the defendant any~~
22 ~~earnings (that is, wages, salary, commission, bonus, or other~~
23 ~~compensation for personal services or any periodic payments pursuant to~~
24 ~~a nongovernmental pension or retirement program), the defendant is~~
25 ~~entitled to receive amounts that are exempt from garnishment under~~
26 ~~federal and state law. You must pay the exempt amounts to the~~
27 ~~defendant on the day you would customarily pay the compensation or~~
28 ~~other periodic payment. As more fully explained in the answer, the~~
29 ~~basic exempt amount is the greater of seventy five percent of~~
30 ~~disposable earnings or a minimum amount determined by reference to the~~
31 ~~employee's pay period, to be calculated as provided in the answer.~~
32 ~~However, if this writ carries a statement in the heading that "This~~
33 ~~garnishment is based on a judgment or court order for child support,"~~
34 ~~the basic exempt amount is forty percent of disposable earnings.~~

35 ~~IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT~~
36 ~~A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER~~

1 ~~WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY~~
2 ~~DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE~~
3 ~~SECOND ANSWER.))~~

4 If you owe the defendant a debt payable in money in excess of the
5 amount set forth in the first paragraph of this writ, hold only the
6 amount set forth in the first paragraph and any processing fee if one
7 is charged and release all additional funds or property to defendant.

8 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
9 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
10 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
11 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
12 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
13 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
14 IN YOUR POSSESSION OR CONTROL.

15 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
16 FEES INCURRED BY THE PLAINTIFF.

17 Witness, the Honorable, Judge of the above-entitled
18 Court, and the seal thereof, this day of, 20. . .

19 [Seal]

20
21
22 Attorney for Clerk of
23 Plaintiff (or the Court
24 Plaintiff, if no
25 attorney)
26
27 Address By
28
29 Name of Defendant Address"
30
31 Address of Defendant

32 (2) If an attorney issues the writ of garnishment, the final
33 paragraph of the writ, containing the date, and the subscribed
34 attorney and clerk provisions, shall be replaced with text in
35 substantially the following form:

1 "This writ is issued by the undersigned attorney of record for
2 plaintiff under the authority of chapter 6.27 of the Revised Code of
3 Washington, and must be complied with in the same manner as a writ
4 issued by the clerk of the court.

5 Dated thisday of.....,20.....

6
7
8 Attorney for Plaintiff
9

10 Address(=) Address of the Clerk of the
11 Court"

12

13 Name of Defendant

14

15 Address of Defendant

16

17 NEW SECTION. Sec. 4. A new section is added to chapter 6.27 RCW
18 to read as follows:

19 (1) A writ that is issued for a continuing lien on earnings shall
20 be substantially in the following form, but if the writ is issued under
21 an order or judgment for child support, the following statement shall
22 appear conspicuously in the caption: "This garnishment is based on a
23 judgment or order for child support;" and if the writ is issued by an
24 attorney, the writ shall be revised as indicated in subsection (2) of
25 this section:

26 "IN THE COURT
27 OF THE STATE OF WASHINGTON IN AND FOR
28 THE COUNTY OF

29
30 Plaintiff, No.
31 vs.
32 WRIT OF
33 Defendant GARNISHMENT FOR
34 CONTINUING LIEN ON
35 EARNINGS

1 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
2 by the attorney of record for the plaintiff, or by this writ, not to
3 pay any debt, whether earnings subject to this garnishment or any other
4 debt, owed to the defendant at the time this writ was served and not to
5 deliver, sell, or transfer, or recognize any sale or transfer of, any
6 personal property or effects of the defendant in your possession or
7 control at the time when this writ was served. Any such payment,
8 delivery, sale, or transfer is void to the extent necessary to satisfy
9 the plaintiff's claim and costs for this writ with interest.

10 YOU ARE FURTHER COMMANDED to answer this writ according to the
11 instructions in this writ and in the answer forms and, within twenty
12 days after the service of the writ upon you, to mail or deliver the
13 original of such answer to the court, one copy to the plaintiff or the
14 plaintiff's attorney, and one copy to the defendant, at the addresses
15 listed at the bottom of this writ.

16 If, at the time this writ was served, you owed the defendant any
17 earnings (that is, wages, salary, commission, bonus, tips, or other
18 compensation for personal services or any periodic payments pursuant to
19 a nongovernmental pension or retirement program), the defendant is
20 entitled to receive amounts that are exempt from garnishment under
21 federal and state law. You must pay the exempt amounts to the
22 defendant on the day you would customarily pay the compensation or
23 other periodic payment. As more fully explained in the answer, the
24 basic exempt amount is the greater of seventy-five percent of
25 disposable earnings or a minimum amount determined by reference to the
26 employee's pay period, to be calculated as provided in the answer.
27 However, if this writ carries a statement in the heading that "This
28 garnishment is based on a judgment or order for child support," the
29 basic exempt amount is fifty percent of disposable earnings.

30 YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE
31 EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING
32 FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS
33 AT THE TIME YOU SUBMIT THE SECOND ANSWER.

34 If you owe the defendant a debt payable in money in excess of the
35 amount set forth in the first paragraph of this writ, hold only the
36 amount set forth in the first paragraph and any processing fee if one
37 is charged and release all additional funds or property to defendant.

1 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
2 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
3 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
4 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
5 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
6 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
7 IN YOUR POSSESSION OR CONTROL.

8 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
9 FEES INCURRED BY THE PLAINTIFF.

10 Witness, the Honorable, Judge of the above-entitled
11 Court, and the seal thereof, this day of, 20. . .

12 [Seal]

13
14 Attorney for Clerk of
15 Plaintiff (or the Court
16 Plaintiff, if no
17 attorney)
18
19 Address By
20
21 Name of Defendant Address"
22
23 Address of Defendant

24 (2) If an attorney issues the writ of garnishment, the final
25 paragraph of the writ, containing the date, and the subscribed
26 attorney and clerk provisions, shall be replaced with text in
27 substantially the following form:

28 "This writ is issued by the undersigned attorney of record for
29 plaintiff under the authority of chapter 6.27 of the Revised Code of
30 Washington, and must be complied with in the same manner as a writ
31 issued by the clerk of the court.

32 Dated thisday of.....,20.....
33

1
 2 Attorney for Plaintiff
 3
 4 Address Address of the Clerk of the
 5 Court"
 6
 7 Name of Defendant
 8
 9 Address of Defendant

10 **Sec. 5.** RCW 6.27.340 and 2003 c 222 s 13 are each amended to read
 11 as follows:

12 (1) Service of a writ for a continuing lien shall comply fully with
 13 RCW 6.27.110.

14 (2) ~~((The caption of the writ shall be marked "CONTINUING LIEN ON~~
 15 ~~EARNINGS" and the following additional paragraph shall be included in~~
 16 ~~the writ form prescribed in RCW 6.27.100:~~

17 ~~"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL~~
 18 ~~HOLD the nonexempt portion of the defendant's earnings due at~~
 19 ~~the time of service of this writ and shall also hold the~~
 20 ~~defendant's nonexempt earnings that accrue through the last~~
 21 ~~payroll period ending on or before SIXTY days after the date of~~
 22 ~~service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY~~
 23 ~~HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER~~
 24 ~~A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE~~
 25 ~~SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt~~
 26 ~~earnings that accrue from the date the previously served writ~~
 27 ~~or writs terminate and through the last payroll period ending~~
 28 ~~on or before sixty days after the date of termination of the~~
 29 ~~previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL~~
 30 ~~STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED~~
 31 ~~IN THIS WRIT OF GARNISHMENT."~~

32 ~~(3) The answer forms served on an employer with the writ shall~~
 33 ~~include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING~~
 34 ~~LIEN ON EARNINGS," and the following paragraph shall be added to~~
 35 ~~section I of the answer form prescribed in RCW 6.27.190:~~

36 ~~"If you are withholding the defendant's nonexempt earnings~~

1 under a previously served writ for a continuing lien, answer
2 only sections I and II of this form and mail or deliver the
3 forms as directed in the writ. Withhold from the defendant's
4 future nonexempt earnings as directed in the writ, and a second
5 set of answer forms will be forwarded to you later.

6 ANSWER: I am presently holding the defendant's nonexempt
7 earnings under a previous writ served on that will
8 terminate not later than, 20

9

10 If you are NOT withholding the defendant's earnings under a
11 previously served writ for a continuing lien, answer this
12 entire form and mail or deliver the forms as directed in the
13 writ. A second set of answer forms will be forwarded to you
14 later for subsequently withheld earnings.")) If the writ is
15 directed to an employer for the purpose of garnishing the
16 defendant's wages, the first answer shall accurately state, as
17 of the date the writ of garnishment was issued as indicated by
18 the date appearing on the last page of the writ, whether the
19 defendant was employed by the garnishee defendant (and if not
20 the date employment terminated), whether the defendant's
21 earnings were subject to a preexisting writ of garnishment for
22 continuing liens on earnings (and if so the date such writ will
23 terminate and the current writ will be enforced), whether the
24 defendant maintained a financial account with garnishee, and
25 whether the garnishee defendant had possession of or control
26 over any funds, personal property, or effects of the defendant
27 (and if so the garnishee defendant shall list all of
28 defendant's personal property or effects in its possession or
29 control). The first answer shall further accurately state, as
30 of the time of service of the writ of garnishment on the
31 garnishee defendant, the amount due and owing from the
32 garnishee defendant to the defendant, and the defendant's total
33 earnings, allowable deductions, disposable earnings, exempt

1 earnings, deductions for superior liens such as child support,
2 and net earnings withheld under the writ. The first answer may
3 be substantially in the following form:

4 IN THE COURT
5 OF THE STATE OF WASHINGTON IN AND FOR
6 THE COUNTY OF

7 , NO.
8 Plaintiff,
9 vs. FIRST ANSWER
10 , TO WRIT OF
11 Defendant, GARNISHMENT
12 FOR CONTINUING LIEN
13 Garnishee Defendant ON EARNINGS

14 SECTION I. If you are withholding the defendant's nonexempt
15 earnings under a previously served writ for a continuing lien,
16 answer only sections I and III of this form and mail or deliver
17 the forms as directed in the writ. Withhold from the
18 defendant's future nonexempt earnings as directed in the writ,
19 and a second set of answer forms will be forwarded to you
20 later.

21 If you are NOT withholding the defendant's earnings under a
22 previously served writ for a continuing lien, answer this
23 ENTIRE form and mail or deliver the forms as directed in the
24 writ. A second set of answer forms will be forwarded to you
25 later for subsequently withheld earnings.

26 ANSWER: I am presently holding the defendant's nonexempt
27 earnings under a previous writ served on that will
28 terminate not later than, 20

29 On the date the writ of garnishment was issued as indicated by
30 the date appearing on the last page of the writ:

31 (A) The defendant: (check one) [] was, [] was not employed
32 by garnishee. If not employed and you have no possession or

1 control of any funds of defendant, indicate the last day of
 2 employment:; and complete section III of this
 3 answer and mail or deliver the forms as directed in the writ;
 4 (B) The defendant: (check one) [] did, [] did not maintain
 5 a financial account with garnishee; and
 6 (C) The garnishee: (check one) [] did, [] did not have
 7 possession of or control over any funds, personal property, or
 8 effects of the defendant. (List all of defendant's personal
 9 property or effects in your possession or control on the last
 10 page of this answer form or attach a schedule if necessary.)

11 SECTION II. At the time of service of the writ of garnishment
 12 on the garnishee there was due and owing from the garnishee to
 13 the above-named defendant \$
 14 This writ attaches a maximum of percent of the
 15 defendant's disposable earnings (that is, compensation payable
 16 for personal services, whether called wages, salary,
 17 commission, bonus, or otherwise, and including periodic
 18 payments pursuant to a nongovernmental pension or retirement
 19 program).

20 Calculate the attachable amount as follows:
 21 Gross Earnings \$(1)
 22 Less deductions required by law (social security,
 23 federal withholding tax, etc. Do not include
 24 deductions for child support orders or government
 25 liens here. Deduct child support orders and liens
 26 on line 7): \$(2)
 27 Disposable Earnings (subtract line 2 from
 28 line 1): \$(3)
 29 Enter percent of line 3: \$(4)
 30 Enter one of the following exempt amounts*: \$(5)

31	<u>If paid:</u>	<u>Weekly</u>	<u>\$.....</u>	<u>Semi-monthly</u>	<u>\$.....</u>
32		<u>Bi-weekly</u>	<u>\$.....</u>	<u>Monthly</u>	<u>\$.....</u>

33 *These are minimum exempt amounts that the
 34 defendant must be paid. If your answer

1 covers more than one pay period, multiply
2 the preceding amount by the number of pay
3 periods and/or fraction thereof your answer
4 covers. If you use a pay period not shown,
5 prorate the monthly exempt amount.

6 Subtract the larger of lines 4 and 5 from
7 line 3: \$(6)

8 Enter amount (if any) withheld for ongoing
9 government liens such as child support: . . \$(7)

10 Subtract line 7 from line 6. This amount
11 must be held out for the plaintiff: \$(8)

12 This is the formula that you will use for withholding each pay
13 period over the required sixty day garnishment period. Deduct
14 any allowable processing fee you may charge from the amount
15 that is to be paid to the defendant.

16 If there is any uncertainty about your answer, give an
17 explanation on the last page or on an attached page.

18 SECTION III. An attorney may answer for the garnishee.
19 Under penalty of perjury, I affirm that I have examined this
20 answer, including accompanying schedules, and to the best of my
21 knowledge and belief it is true, correct, and complete.

22
23 Signature of Date
24 Garnishee Defendant
25
26 Signature of Person Connection with
27 Answering for Garnishee
28 Garnishee
29
30 Print Name of Person
31 Signing Address of Garnishee

32 (3) Prior to serving the answer forms for a writ for continuing
33 lien on earnings, the plaintiff shall fill in the minimum exemption
34 amounts for the different pay periods, and the maximum percentages of
35 disposable earnings subject to lien and exempt from lien.

1 (4) In the event plaintiff fails to comply with this section,
2 employer may elect to treat the garnishment as one not creating a
3 continuing lien.

4 **Sec. 6.** RCW 6.27.110 and 1998 c 227 s 4 are each amended to read
5 as follows:

6 (1) Service of the writ of garnishment, including a writ for
7 continuing lien on earnings, on the garnishee is invalid unless the
8 writ is served together with: (a) (~~Four~~) An answer form(~~s~~) as
9 prescribed in RCW 6.27.190; and (b) (~~three stamped envelopes addressed~~
10 ~~respectively to the clerk of the court issuing the writ, the attorney~~
11 ~~for the plaintiff (or to the plaintiff if the plaintiff has no~~
12 ~~attorney), and the defendant; and (c)) a check or money order made
13 payable to the garnishee in the amount of twenty dollars for the answer
14 fee if the writ of garnishment is not a writ for a continuing lien on
15 earnings.~~

16 (2) Except as provided in RCW 6.27.080 for service on a bank,
17 savings and loan association, or credit union, the writ of garnishment
18 shall be mailed to the garnishee by certified mail, return receipt
19 requested, addressed in the same manner as a summons in a civil action,
20 and will be binding upon the garnishee on the day set forth on the
21 return receipt. In the alternative, the writ shall be served by the
22 sheriff of the county in which the garnishee lives or has its place of
23 business or by any person qualified to serve process in the same manner
24 as a summons in a civil action is served.

25 (3) If a writ of garnishment is served by a sheriff, the sheriff
26 shall file with the clerk of the court that issued the writ a signed
27 return showing the time, place, and manner of service and that the writ
28 was accompanied by an answer form(~~s, addressed envelopes~~), and check
29 or money order if required by this section, and noting thereon fees for
30 making the service. If service is made by any person other than a
31 sheriff, such person shall file an affidavit including the same
32 information and showing qualifications to make such service. If a writ
33 of garnishment is served by mail, the person making the mailing shall
34 file an affidavit showing the time, place, and manner of mailing and
35 that the writ was accompanied by an answer form(~~s and addressed~~
36 ~~envelopes~~), and check or money order if required by this section, and

1 shall attach the return receipt or electronic return receipt delivery
2 confirmation to the affidavit.

3 **Sec. 7.** RCW 6.27.140 and 2011 c 162 s 5 are each amended to read
4 as follows:

5 (1) The notice required by RCW 6.27.130(1) to be mailed to or
6 served on an individual judgment debtor shall be in the following form,
7 printed or typed in ~~((type))~~ no smaller than ~~((elite-type))~~ size twelve
8 point font type:

9 NOTICE OF GARNISHMENT
10 AND OF YOUR RIGHTS

11 A Writ of Garnishment issued in a Washington court has been or
12 will be served on the garnishee named in the attached copy of
13 the writ. After receipt of the writ, the garnishee is required
14 to withhold payment of any money that was due to you and to
15 withhold any other property of yours that the garnishee held or
16 controlled. This notice of your rights is required by law.

17 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

18 WAGES. If the garnishee is your employer who owes wages or
19 other personal earnings to you, your employer is required to
20 pay amounts to you that are exempt under state and federal
21 laws, as explained in the writ of garnishment. You should
22 receive a copy of your employer's answer, which will show how
23 the exempt amount was calculated. If the garnishment is for
24 child support, the exempt amount paid to you will be ~~((forty))~~
25 a percent of ~~((wages due you, but if you are supporting a~~
26 ~~spouse, state registered domestic partner, or dependent child,~~
27 ~~you are entitled to claim an additional ten percent as exempt))~~
28 your disposable earnings, which is fifty percent of that part
29 of your earnings remaining after your employer deducts those
30 amounts which are required by law to be withheld.

31 BANK ACCOUNTS. If the garnishee is a bank or other institution
32 with which you have an account in which you have deposited
33 benefits such as Temporary Assistance for Needy Families,
34 Supplemental Security Income (SSI), Social Security, veterans'
35 benefits, unemployment compensation, or ~~((a United States~~
36 ~~pension))~~ any federally qualified pension, such as a state or

1 federal pension, individual retirement account (IRA), or 401K
2 plan, you may claim the account as fully exempt if you have
3 deposited only such benefit funds in the account. It may be
4 partially exempt even though you have deposited money from
5 other sources in the same account. An exemption is also
6 available under RCW 26.16.200, providing that funds in a
7 community bank account that can be identified as the earnings
8 of a stepparent are exempt from a garnishment on the child
9 support obligation of the parent.

10 OTHER EXEMPTIONS. If the garnishee holds other property of
11 yours, some or all of it may be exempt under RCW 6.15.010, a
12 Washington statute that exempts certain property of your choice
13 (including money in a bank account up to \$200.00 for debts owed
14 to state agencies, or up to \$500.00 for all other debts) and
15 certain other property such as household furnishings, tools of
16 trade, and a motor vehicle (all limited by differing dollar
17 values).

18 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
19 mail or deliver it as described in instructions on the claim
20 form. If the plaintiff does not object to your claim, the
21 funds or other property that you have claimed as exempt must be
22 released not later than 10 days after the plaintiff receives
23 your claim form. If the plaintiff objects, the law requires a
24 hearing not later than 14 days after the plaintiff receives
25 your claim form, and notice of the objection and hearing date
26 will be mailed to you at the address that you put on the claim
27 form.

28 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN
29 ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT
30 YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

31 (2)(a) If the writ is to garnish funds or property held by a
32 financial institution, the claim form required by RCW 6.27.130(1) to be
33 mailed to or served on an individual judgment debtor shall be in the
34 following form, printed or typed in ((~~type~~)) no smaller than ((~~elite~~
35 ~~type~~)) size twelve point font type:

[Caption to be filled in by judgment creditor
or plaintiff before mailing.]

.....
Name of Court

..... No.....

Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,

.....

Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

The account contains payments from:

- Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.

1 [] Describe property
2
3 (If you claim other personal property as exempt, you
4 must attach a list of all other personal property that
5 you own.)

6
7 Print: Your name If married or in a state
8 registered domestic
9 partnership,
10 name of husband/wife/state
11 registered domestic partner

12
13 Your signature Signature of husband,
14 wife, or state registered
15 domestic partner

16
17
18 Address Address
19 (if different from yours)

20
21 Telephone number Telephone number
22 (if different from yours)

23 CAUTION: If the plaintiff objects to your claim, you will have to
24 go to court and give proof of your claim. For example, if you claim
25 that a bank account is exempt, you may have to show the judge your bank
26 statements and papers that show the source of the money you deposited
27 in the bank. Your claim may be granted more quickly if you attach
28 copies of such proof to your claim.

29 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
30 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
31 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
32 PLAINTIFF'S ATTORNEY FEES.

33 (b) If the writ is directed to an employer to garnish earnings, the
34 claim form required by RCW 6.27.130(1) to be mailed to or served on an

1 individual judgment debtor shall be in the following form, subject to
2 (c) of this subsection, printed or typed in no smaller than size twelve
3 point font type:

4
5 [Caption to be filled in by judgment creditor
6 or plaintiff before mailing.]

7
8 Name of Court
9 No.....

10 Plaintiff,

11 vs.

12 EXEMPTION CLAIM

13 Defendant,

14
15 Garnishee Defendant

16 INSTRUCTIONS:

- 17 1. Read this whole form after reading the enclosed
18 notice. Then put an X in the box or boxes that
19 describe your exemption claim or claims and write in
20 the necessary information on the blank lines. If
21 additional space is needed, use the bottom of the last
22 page or attach another sheet.
- 23 2. Make two copies of the completed form. Deliver the
24 original form by first-class mail or in person to the
25 clerk of the court, whose address is shown at the
26 bottom of the writ of garnishment. Deliver one of
27 the copies by first-class mail or in person to the
28 plaintiff or plaintiff's attorney, whose name and
29 address are shown at the bottom of the writ. Keep
30 the other copy. YOU SHOULD DO THIS AS
31 QUICKLY AS POSSIBLE, BUT NO LATER
32 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
33 ON THE WRIT.

34 I/We claim the following money or property as exempt:

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IF PENSION OR RETIREMENT BENEFITS ARE
GARNISHED:

Name and address of employer who is paying the
benefits:
.....

IF EARNINGS ARE GARNISHED FOR CHILD
SUPPORT:

I claim maximum exemption.

.....
Print: Your name If married or in a state
registered domestic
partnership,
name of husband/wife/state
registered domestic partner
.....

Your signature Signature of husband,
wife, or state registered
domestic partner
.....
.....

Address Address
(if different from yours)

.....
Telephone number Telephone number
(if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to
go to court and give proof of your claim. For example, if you claim
that a bank account is exempt, you may have to show the judge your bank
statements and papers that show the source of the money you deposited

1 in the bank. Your claim may be granted more quickly if you attach
2 copies of such proof to your claim.

3 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
4 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
5 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
6 PLAINTIFF'S ATTORNEY FEES.

7 (c) If the writ under (b) of this subsection is not a writ for the
8 collection of child support, the exemption language pertaining to child
9 support may be omitted.

10 **Sec. 8.** RCW 6.27.140 and 2011 c 162 s 6 are each amended to read
11 as follows:

12 (1) The notice required by RCW 6.27.130(1) to be mailed to or
13 served on an individual judgment debtor shall be in the following form,
14 printed or typed in ((type)) no smaller than ((~~elite-type~~)) size twelve
15 point font:

16 NOTICE OF GARNISHMENT
17 AND OF YOUR RIGHTS

18 A Writ of Garnishment issued in a Washington court has been or
19 will be served on the garnishee named in the attached copy of
20 the writ. After receipt of the writ, the garnishee is required
21 to withhold payment of any money that was due to you and to
22 withhold any other property of yours that the garnishee held or
23 controlled. This notice of your rights is required by law.

24 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

25 WAGES. If the garnishee is your employer who owes wages or
26 other personal earnings to you, your employer is required to
27 pay amounts to you that are exempt under state and federal
28 laws, as explained in the writ of garnishment. You should
29 receive a copy of your employer's answer, which will show how
30 the exempt amount was calculated. If the garnishment is for
31 child support, the exempt amount paid to you will be ((~~forty~~))
32 a percent of ((~~wages due you, but if you are supporting a~~
33 ~~spouse, state registered domestic partner, or dependent child,~~
34 ~~you are entitled to claim an additional ten percent as exempt~~))

1 your disposable earnings, which is fifty percent of that part
2 of your earnings remaining after your employer deducts those
3 amounts which are required by law to be withheld.

4 BANK ACCOUNTS. If the garnishee is a bank or other institution
5 with which you have an account in which you have deposited
6 benefits such as Temporary Assistance for Needy Families,
7 Supplemental Security Income (SSI), Social Security, veterans'
8 benefits, unemployment compensation, or ((a—United—States
9 pension)) any federally qualified pension, such as a state or
10 federal pension, individual retirement account (IRA), or 401K
11 plan, you may claim the account as fully exempt if you have
12 deposited only such benefit funds in the account. It may be
13 partially exempt even though you have deposited money from
14 other sources in the same account. An exemption is also
15 available under RCW 26.16.200, providing that funds in a
16 community bank account that can be identified as the earnings
17 of a stepparent are exempt from a garnishment on the child
18 support obligation of the parent.

19 OTHER EXEMPTIONS. If the garnishee holds other property of
20 yours, some or all of it may be exempt under RCW 6.15.010, a
21 Washington statute that exempts certain property of your choice
22 (including up to \$500.00 in a bank account) and certain other
23 property such as household furnishings, tools of trade, and a
24 motor vehicle (all limited by differing dollar values).

25 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
26 mail or deliver it as described in instructions on the claim
27 form. If the plaintiff does not object to your claim, the
28 funds or other property that you have claimed as exempt must be
29 released not later than 10 days after the plaintiff receives
30 your claim form. If the plaintiff objects, the law requires a
31 hearing not later than 14 days after the plaintiff receives
32 your claim form, and notice of the objection and hearing date
33 will be mailed to you at the address that you put on the claim
34 form.

35 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN

1 ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT
2 YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

3 (2)(a) If the writ is to garnish funds or property held by a
4 financial institution, the claim form required by RCW 6.27.130(1) to be
5 mailed to or served on an individual judgment debtor shall be in the
6 following form, printed or typed in (~~type~~) no smaller than (~~elite~~
7 ~~type~~) size twelve point font:

8 [Caption to be filled in by judgment creditor
9 or plaintiff before mailing.]

10
11 Name of Court
12 No.....
13 Plaintiff,
14 vs.
15 EXEMPTION CLAIM
16 Defendant,
17
18 Garnishee Defendant

19 INSTRUCTIONS:

- 20 1. Read this whole form after reading the enclosed
21 notice. Then put an X in the box or boxes that
22 describe your exemption claim or claims and write in
23 the necessary information on the blank lines. If
24 additional space is needed, use the bottom of the last
25 page or attach another sheet.

1 2. Make two copies of the completed form. Deliver the
2 original form by first-class mail or in person to the
3 clerk of the court, whose address is shown at the
4 bottom of the writ of garnishment. Deliver one of
5 the copies by first-class mail or in person to the
6 plaintiff or plaintiff's attorney, whose name and
7 address are shown at the bottom of the writ. Keep
8 the other copy. YOU SHOULD DO THIS AS
9 QUICKLY AS POSSIBLE, BUT NO LATER
10 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
11 ON THE WRIT.

12 I/We claim the following money or property as exempt:

13 IF BANK ACCOUNT IS GARNISHED:

14 [] The account contains payments from:

15 [] Temporary assistance for needy families, SSI, or
16 other public assistance. I receive \$ monthly.

17 [] Social Security. I receive \$ monthly.

18 [] Veterans' Benefits. I receive \$ monthly.

19 [] (~~U.S. Government Pension~~) Federally qualified
20 pension, such as a state or federal pension,
21 individual retirement account (IRA), or 401K plan.
22 I receive \$ monthly.

23 [] Unemployment Compensation. I receive \$
24 monthly.

25 [] Child support. I receive \$ monthly.

26 [] Other. Explain
27

28 IF EXEMPTION IN BANK ACCOUNT IS CLAIMED,
29 ANSWER ONE OR BOTH OF THE FOLLOWING:

30 [] No money other than from above payments are in
31 the account.

32 [] Moneys in addition to the above payments have
33 been deposited in the account. Explain
34
35

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((IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- I claim maximum exemption.
- I am supporting another child or other children.
- I am supporting a husband, wife, or state registered domestic partner.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:
.....))

OTHER PROPERTY:

[] Describe property
.....
(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

.....
Print: Your name If married or in a state registered domestic partnership,
name of husband/wife/state registered domestic partner

.....
Your signature Signature of husband, wife, or state registered domestic partner

.....
.....
Address Address (if different from yours)

.....
Telephone number Telephone number (if different from yours)

1 CAUTION: If the plaintiff objects to your claim, you will have to
2 go to court and give proof of your claim. For example, if you claim
3 that a bank account is exempt, you may have to show the judge your bank
4 statements and papers that show the source of the money you deposited
5 in the bank. Your claim may be granted more quickly if you attach
6 copies of such proof to your claim.

7 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
8 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
9 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
10 PLAINTIFF'S ATTORNEY FEES.

11 (b) If the writ is directed to an employer to garnish earnings, the
12 claim form required by RCW 6.27.130(1) to be mailed to or served on an
13 individual judgment debtor shall be in the following form, subject to
14 (c) of this subsection, printed or typed in no smaller than size twelve
15 point font type:

16
17 [Caption to be filled in by judgment creditor
18 or plaintiff before mailing.]

19
20 Name of Court

21 No.....

22 Plaintiff,

23 vs.

24 EXEMPTION CLAIM

25 Defendant,

26

27 Garnishee Defendant

28 INSTRUCTIONS:

- 29 1. Read this whole form after reading the enclosed
30 notice. Then put an X in the box or boxes that
31 describe your exemption claim or claims and write in
32 the necessary information on the blank lines. If
33 additional space is needed, use the bottom of the last
34 page or attach another sheet.

1
 2
 3 Address Address
 4 (if different from yours)
 5
 6 Telephone number Telephone number
 7 (if different from yours)

8 CAUTION: If the plaintiff objects to your claim, you will have to
 9 go to court and give proof of your claim. For example, if you claim
 10 that a bank account is exempt, you may have to show the judge your bank
 11 statements and papers that show the source of the money you deposited
 12 in the bank. Your claim may be granted more quickly if you attach
 13 copies of such proof to your claim.

14 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
 15 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
 16 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
 17 PLAINTIFF'S ATTORNEY FEES.

18 (c) If the writ under (b) of this subsection is not a writ for the
 19 collection of child support, the exemption language pertaining to child
 20 support may be omitted.

21 **Sec. 9.** RCW 6.27.150 and 1991 c 365 s 26 are each amended to read
 22 as follows:

23 (1) Except as provided in subsection (2) of this section, if the
 24 garnishee is an employer owing the defendant earnings, then for each
 25 week of such earnings, an amount shall be exempt from garnishment which
 26 is the greatest of the following:

27 (a) Thirty-five times the federal minimum hourly wage (~~prescribed~~
 28 ~~by section 206(a)(1) of Title 29 of the United States Code~~) in effect
 29 at the time the earnings are payable; or

30 (b) Seventy-five percent of the disposable earnings of the
 31 defendant.

32 (2) In the case of a garnishment based on a judgment or other
 33 ~~(court)~~ order for child support or court order for spousal
 34 maintenance, other than a mandatory wage assignment order pursuant to
 35 chapter 26.18 RCW, or a mandatory assignment of retirement benefits

1 pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of
2 the disposable earnings of the defendant (~~(if the individual is~~
3 ~~supporting a spouse or dependent child (other than a spouse or child on~~
4 ~~whose behalf the garnishment is brought), or forty percent of the~~
5 ~~disposable earnings of the defendant if the individual is not~~
6 ~~supporting such a spouse or dependent child)).~~

7 (3) The exemptions stated in this section shall apply whether such
8 earnings are paid, or are to be paid, weekly, monthly, or at other
9 intervals, and whether earnings are due the defendant for one week, a
10 portion thereof, or for a longer period.

11 (4) Unless directed otherwise by the court, the garnishee shall
12 determine and deduct exempt amounts under this section as directed in
13 the writ of garnishment and answer, and shall pay these amounts to the
14 defendant.

15 (5) No money due or earned as earnings as defined in RCW 6.27.010
16 shall be exempt from garnishment under the provisions of RCW 6.15.010,
17 as now or hereafter amended.

18 **Sec. 10.** RCW 6.27.190 and 2003 c 222 s 8 are each amended to read
19 as follows:

20 (1) The answer of the garnishee shall be signed by the garnishee or
21 attorney or if the garnishee is a corporation, by an officer, attorney
22 or duly authorized agent of the garnishee, under penalty of perjury,
23 and the original and copies delivered, either personally or by mail,
24 (~~(to the clerk of the court, one copy to the plaintiff or the~~
25 ~~plaintiff's attorney, and one copy to the defendant. The answer shall~~
26 ~~be made on a form substantially as appears in this section, served on~~
27 ~~the garnishee with the writ. Prior to serving the answer forms for a~~
28 ~~writ for continuing lien on earnings, the plaintiff shall fill in the~~
29 ~~minimum exemption amounts for the different pay periods, and the~~
30 ~~maximum percentages of disposable earnings subject to lien and exempt~~
31 ~~from lien)) as instructed in the writ.~~

32 (2) If the writ of garnishment is for a continuing lien, the answer
33 forms shall be as prescribed in RCW 6.27.340 and 6.27.350.

34 (3) If the writ is not directed to an employer for the purpose of
35 garnishing the defendant's wages, the (~~(paragraphs in section II of the~~
36 ~~answer relating to earnings and calculations of withheld amounts may be~~
37 ~~omitted.)) answer shall be substantially in the following form:~~

1
2 IN THE COURT
3 OF THE STATE OF WASHINGTON IN AND FOR
4 THE COUNTY OF

5 NO.
6 Plaintiff
7 vs. ANSWER
8 TO WRIT OF
9 Defendant GARNISHMENT
10
11 Garnishee Defendant

12 SECTION I. On the date the writ of garnishment was issued as
13 indicated by the date appearing on the last page of the writ:

14 (A) The defendant: (check one) was, was not employed
15 by garnishee. If not employed and you have no possession or control of
16 any funds of defendant, indicate the last day of employment:
17 . . ; and complete section III of this answer and mail or deliver the
18 forms as directed in the writ;

19 (B) The defendant: (check one) did, did not maintain
20 a financial account with garnishee; and

21 (C) The garnishee: (check one) did, did not have
22 possession of or control over any funds, personal property, or effects
23 of the defendant. (List all of defendant's personal property or
24 effects in your possession or control on the last page of this answer
25 form or attach a schedule if necessary.)

26 SECTION II. At the time of service of the writ of garnishment on
27 the garnishee there was due and owing from the garnishee to the above-
28 named defendant \$

29 ~~((This writ attaches a maximum of percent of the~~
30 ~~defendant's disposable earnings (that is, compensation payable for~~
31 ~~personal services, whether called wages, salary, commission, bonus, or~~
32 ~~otherwise, and including periodic payments pursuant to a~~
33 ~~nongovernmental pension or retirement program). Calculate the~~
34 ~~attachable amount as follows:~~

35 ~~Gross Earnings~~ _____ \$(1)
36 ~~Less deductions required by law (social security,~~

1 federal withholding tax, etc. Do not include
2 deductions for child support orders or government
3 liens here. Deduct child support orders and liens
4 on line 7): _____ \$ (2)

5 Disposable Earnings (subtract line 2 from
6 line 1): _____ \$ (3)

7 Enter percent of line 3: _____ \$ (4)

8 Enter one of the following exempt amounts*: _____ \$ (5)

9	If paid:	Weekly	\$.....	Semi-monthly	\$.....
10		Bi-weekly	\$.....	Monthly	\$.....

11 *These are minimum exempt amounts that the
12 defendant must be paid. If your answer
13 covers more than one pay period, multiply
14 the preceding amount by the number of pay
15 periods and/or fraction thereof your answer
16 covers. If you use a pay period not shown,
17 prorate the monthly exempt amount.

18 Subtract the larger of lines 4 and 5 from
19 line 3: _____ \$ (6)

20 Enter amount (if any) withheld for ongoing
21 government liens such as child support: _____ \$ (7)

22 Subtract line 7 from line 6. This amount
23 must be held out for the plaintiff: _____ \$ (8)

24 This is the formula that you will use for withholding each pay period
25 over the required sixty day garnishment period. Deduct any allowable
26 processing fee you may charge from the amount that is to be paid to the
27 defendant.))

28 If there is any uncertainty about your answer, give an explanation
29 on the last page or on an attached page.

30 SECTION III. An attorney may answer for the garnishee.

31 Under penalty of perjury, I affirm that I have examined this
32 answer, including accompanying schedules, and to the best of my
33 knowledge and belief it is true, correct, and complete.

1
2	Signature of	Date
3	Garnishee Defendant	
4
5	Signature of person	Connection with
6	answering for	garnishee
7	garnishee	
8
9	Print name of person
10	signing	Address of garnishee

11 **Sec. 11.** RCW 6.27.200 and 2003 c 222 s 9 are each amended to read
12 as follows:

13 If the garnishee fails to answer the writ within the time
14 prescribed in the writ, after the time to answer the writ has expired
15 and after required returns or affidavits have been filed, showing
16 service on the garnishee and service on or mailing to the defendant, it
17 shall be lawful for the court to render judgment by default against
18 such garnishee, after providing a notice to the garnishee by personal
19 service or first-class mail deposited in the mail at least ten calendar
20 days prior to entry of the judgment, for the full amount claimed by the
21 plaintiff against the defendant, or in case the plaintiff has a
22 judgment against the defendant, for the full amount of the plaintiff's
23 unpaid judgment against the defendant with all accruing interest and
24 costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the
25 garnishee at any time within seven days following service on, or
26 mailing to, the garnishee of a copy of the first writ of execution or
27 writ of garnishment under such judgment, the judgment against the
28 garnishee shall be reduced to the amount of any nonexempt funds or
29 property which was actually in the possession of the garnishee at the
30 time the writ was served, plus the cumulative amount of the nonexempt
31 earnings subject to the lien provided for in RCW 6.27.350, or the sum
32 of one hundred dollars, whichever is more, but in no event to exceed
33 the full amount claimed by the plaintiff or the amount of the unpaid
34 judgment against the principal defendant (~~plus~~) with all accruing
35 interest and costs and attorney's fees as prescribed in RCW 6.27.090,
36 plus the accruing interest and costs and attorneys' fees as prescribed
37 in RCW 6.27.090 for any garnishment on the judgment against the

1 garnishee, and in addition the plaintiff shall be entitled to a
2 reasonable attorney's fee for the plaintiff's response to the
3 garnishee's motion to reduce said judgment against the garnishee under
4 this proviso and the court may allow additional attorney's fees for
5 other actions taken because of the garnishee's failure to answer.

6 **Sec. 12.** RCW 6.27.250 and 2003 c 222 s 10 are each amended to read
7 as follows:

8 (1)(a) If it appears from the answer of the garnishee or if it is
9 otherwise made to appear that the garnishee was indebted to the
10 defendant in any amount, not exempt, when the writ of garnishment was
11 served, and if the required return or affidavit showing service on or
12 mailing to the defendant is on file, the court shall render judgment
13 for the plaintiff against such garnishee for the amount so admitted or
14 found to be due to the defendant from the garnishee, unless such amount
15 exceeds the amount of the plaintiff's claim or judgment against the
16 defendant with accruing interest and costs and attorney's fees as
17 prescribed in RCW 6.27.090, in which case it shall be for the amount of
18 such claim or judgment, with said interest, costs, and fees. If there
19 is no unresolved exemption claim and no controversion, the plaintiff
20 may apply for the judgment and order to pay ex parte. In the case of
21 a superior court garnishment, the court shall order the garnishee to
22 pay to the plaintiff or to the plaintiff's attorney through the
23 registry of the court the amount of the judgment against the garnishee,
24 the clerk of the court shall note receipt of any such payment, and the
25 clerk of the court shall disburse the payment to the plaintiff. In the
26 case of a district court garnishment, the court shall order the
27 garnishee to pay the judgment amount directly to the plaintiff or to
28 the plaintiff's attorney. In either case, the court shall inform the
29 garnishee that failure to pay the amount may result in execution of the
30 judgment, including garnishment.

31 (b) If, prior to judgment, the garnishee tenders to the plaintiff
32 or to the plaintiff's attorney or to the court any amounts due, such
33 tender will support judgment against the garnishee in the amount so
34 tendered, subject to any exemption claimed within the time required in
35 RCW 6.27.160 after the amounts are tendered, and subject to any
36 controversion filed within the time required in RCW 6.27.210 after the
37 amounts are tendered. Any amounts tendered to the court by or on

1 behalf of the garnishee or the defendant prior to judgment shall be
2 disbursed to the party entitled to same upon entry of judgment or
3 order, and any amounts so tendered after entry of judgment or order
4 shall be disbursed upon receipt to the party entitled to same.

5 (2) If it shall appear from the answer of the garnishee and the
6 same is not controverted, or if it shall appear from the hearing or
7 trial on controversion or by stipulation of the parties that the
8 garnishee is indebted to the principal defendant in any sum, but that
9 such indebtedness is not matured and is not due and payable, and if the
10 required return or affidavit showing service on or mailing to the
11 defendant is on file, the court shall make an order requiring the
12 garnishee to pay such sum into court when the same becomes due, the
13 date when such payment is to be made to be specified in the order, and
14 in default thereof that judgment shall be entered against the garnishee
15 for the amount of such indebtedness so admitted or found due. In case
16 the garnishee pays the sum at the time specified in the order, the
17 payment shall operate as a discharge, otherwise judgment shall be
18 entered against the garnishee for the amount of such indebtedness,
19 which judgment shall have the same force and effect, and be enforced in
20 the same manner as other judgments entered against garnishees as
21 provided in this chapter: PROVIDED, That if judgment is rendered in
22 favor of the principal defendant, or if any judgment rendered against
23 the principal defendant is satisfied prior to the date of payment
24 specified in an order of payment entered under this subsection, the
25 garnishee shall not be required to make the payment, nor shall any
26 judgment in such case be entered against the garnishee.

27 (3) The court shall, upon request of the plaintiff at the time
28 judgment is rendered against the garnishee or within one year
29 thereafter, or within one year after service of the writ on the
30 garnishee if no judgment is taken against the garnishee, render
31 judgment against the defendant for recoverable garnishment costs and
32 attorney fees. However, if it appears from the answer of garnishee or
33 otherwise that, at the time the writ was issued, the garnishee held no
34 funds, personal property, or effects of the defendant and, in the case
35 of a garnishment on earnings, the defendant was not employed by the
36 garnishee, or, in the case of a writ directed to a financial
37 institution, the defendant maintained no account therein, then the

1 plaintiff may not be awarded judgment against the defendant for such
2 costs or attorney fees.

3 **Sec. 13.** RCW 6.27.330 and 1987 c 442 s 1032 are each amended to
4 read as follows:

5 A judgment creditor may obtain a continuing lien on earnings by a
6 garnishment pursuant to ((RCW ~~6.27.340, 6.27.350, 6.27.360, and~~
7 ~~7.33.390~~)) this chapter.

8 **Sec. 14.** RCW 6.27.350 and 2003 c 222 s 14 are each amended to read
9 as follows:

10 (1) Where the garnishee's answer to a garnishment for a continuing
11 lien reflects that the defendant is employed by the garnishee, the
12 judgment or balance due thereon as reflected on the writ of garnishment
13 shall become a lien on earnings due at the time of the effective date
14 of the writ, as defined in this subsection, to the extent that they are
15 not exempt from garnishment, and such lien shall continue as to
16 subsequent nonexempt earnings until the total subject to the lien
17 equals the amount stated on the writ of garnishment or until the
18 expiration of the employer's payroll period ending on or before sixty
19 days after the effective date of the writ, whichever occurs first,
20 except that such lien on subsequent earnings shall terminate sooner if
21 the employment relationship is terminated or if the underlying judgment
22 is vacated, modified, or satisfied in full or if the writ is dismissed.
23 The "effective date" of a writ is the date of service of the writ if
24 there is no previously served writ; otherwise, it is the date of
25 termination of a previously served writ or writs.

26 (2) At the time of the expected termination of the lien, the
27 plaintiff shall mail to the garnishee ((~~three additional stamped~~
28 ~~envelopes addressed as provided in RCW 6.27.110, and four additional~~
29 ~~copies~~)) one copy of the answer form prescribed in RCW ((~~6.27.190~~))
30 6.27.340. The plaintiff shall replace the text of section I of the
31 answer form with a statement in substantially the following form:
32 "ANSWER SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF
33 EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY,
34 STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE
35 THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

1 Nonexempt amount due and owing stated in first \$...
2 answer
3 Nonexempt amount accrued since first answer \$...
4 TOTAL AMOUNT WITHHELD \$....

5 (3) Within twenty days of receipt of the second answer form the
6 garnishee shall file a second answer, either in the form as provided in
7 subsection (2) of this section, stating the total amount held subject
8 to the garnishment, or otherwise containing the information required in
9 subsection (2) of this section and a calculation indicating the total
10 amount due and owing from the garnishee defendant to the defendant, the
11 defendant's total earnings, allowable deductions, disposable earnings,
12 exempt earnings, deductions for superior liens such as child support,
13 and net earnings withheld under the writ.

14 **Sec. 15.** RCW 6.27.360 and 1997 c 296 s 8 are each amended to read
15 as follows:

16 (1) Except as provided in subsection (~~((2))~~) (3) of this section,
17 a lien obtained under RCW 6.27.350 shall have priority over any
18 subsequent garnishment lien or wage assignment except that service of
19 a writ shall not be effective to create a continuing lien with such
20 priority if a writ in the same case is pending at the time of the
21 service of the new writ.

22 (2) A lien obtained under RCW 6.27.350 shall have priority over any
23 prior wage assignment, except an assignment for child support as
24 provided in subsection (3) of this section and an assignment for legal
25 financial obligations as provided under RCW 9.94A.760, 9.94A.7702, and
26 72.09.111.

27 (3) A lien obtained under RCW 6.27.350 shall not have priority over
28 a notice of payroll deduction issued under RCW 26.23.060 or a wage
29 assignment or other garnishment for child support issued under chapters
30 26.18 and 74.20A RCW. Should nonexempt wages remain after deduction of
31 all amounts owing under a notice of payroll deduction, wage assignment,
32 or garnishment for child support, the garnishee shall withhold the
33 remaining nonexempt wages under the lien obtained under RCW 6.27.350.

34 **Sec. 16.** RCW 6.27.370 and 1997 c 296 s 9 are each amended to read
35 as follows:

1 (1) Whenever the federal government is named as a garnishee
2 defendant, the attorney for the plaintiff, or the clerk of the court
3 shall, upon submitting a notice in the appropriate form by the
4 plaintiff, issue a notice which directs the garnishee defendant to
5 disburse any nonexempt earnings to the court in accordance with the
6 garnishee defendant's normal pay and disbursement cycle.

7 (2) Funds received by the clerk from a garnishee defendant may be
8 deposited into the registry of the court or, in the case of negotiable
9 instruments, may be retained in the court file. Upon presentation of
10 an order directing the clerk to disburse the funds received, the clerk
11 shall pay or endorse the funds over to the party entitled to receive
12 the funds. Except for good cause shown, the funds shall not be paid or
13 endorsed to the plaintiff prior to the expiration of any minimum
14 statutory period allowed to the defendant for filing an exemption
15 claim.

16 (3) The plaintiff shall, in the same manner permitted for service
17 of the writ of garnishment, provide to the garnishee defendant a copy
18 of the notice issued (~~by the clerk and an envelope addressed to the~~
19 ~~court~~) under subsection (1) of this section, and shall supply to the
20 garnished party a copy of the notice.

21 (4) Any answer or processing fees charged by the garnishee
22 defendant to the plaintiff under federal law shall be a recoverable
23 cost under RCW 6.27.090.

24 (5) The notice to the federal government garnishee shall be in
25 substantially the following form:

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IN THE COURT OF THE STATE OF
WASHINGTON

IN AND FOR COUNTY

....., NO.....
Plaintiff, NOTICE TO FEDERAL
vs. GOVERNMENT GARNISHEE
DEFENDANT

.....,
Defendant,
.....,

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Garnishee Defendant.

TO: THE GOVERNMENT OF THE UNITED STATES
AND ANY DEPARTMENT, AGENCY, OR DIVISION
THEREOF

You have been named as the garnishee defendant in the
above-entitled cause. A Writ of Garnishment accompanies
this Notice. The Writ of Garnishment directs you to hold
the nonexempt earnings of the named defendant, but does
not instruct you to disburse the funds you hold.

BY THIS NOTICE THE COURT DIRECTS YOU TO
WITHHOLD ALL NONEXEMPT EARNINGS AND
DISBURSE THEM IN ACCORDANCE WITH YOUR
NORMAL PAY AND DISBURSEMENT CYCLE, TO
THE FOLLOWING:

..... County Court Clerk
Cause No.....
.....
(Address)

PLEASE REFERENCE THE DEFENDANT
EMPLOYEE'S NAME AND THE ABOVE CAUSE
NUMBER ON ALL DISBURSEMENTS.

The enclosed Writ also directs you to respond to the Writ
within twenty (20) days, but you are allowed thirty (30)
days to respond under federal law.

DATED this day of, ((49)) 20...

.....
Clerk of the Court

(6) If the writ of garnishment is issued by the attorney of record
for the judgment creditor, the following paragraph shall replace the
clerk's signature and date:

This notice is issued by the undersigned attorney of record for
plaintiff under the authority of RCW 6.27.370, and must be
complied with in the same manner as a notice issued by the
court.

1 **Sec. 18.** RCW 2.12.090 and 1991 c 365 s 19 are each amended to read
2 as follows:

3 (1) Except as provided in subsections (2), (3), and (4) of this
4 section, the right of any person to a retirement allowance or optional
5 retirement allowance under the provisions of this chapter and all
6 moneys and investments and income thereof are exempt from any state,
7 county, municipal, or other local tax and shall not be subject to
8 execution, garnishment, attachment, the operation of bankruptcy or the
9 insolvency laws, or other processes of law whatsoever whether the same
10 be in actual possession of the person or be deposited or loaned and
11 shall be unassignable except as herein specifically provided.

12 (2) Subsection (1) of this section shall not prohibit the
13 department of retirement systems from complying with (a) a wage
14 assignment order for child support issued pursuant to chapter 26.18
15 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW,
16 (c) an order to withhold and deliver issued pursuant to chapter 74.20A
17 RCW, (d) a mandatory benefits assignment order issued pursuant to
18 chapter 41.50 RCW, (e) a court order directing the department of
19 retirement systems to pay benefits directly to an obligee under a
20 dissolution order as defined in RCW 41.50.500(3) which fully complies
21 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
22 order expressly authorized by federal law.

23 (3) Subsection (1) of this section shall not be deemed to prohibit
24 a beneficiary of a retirement allowance from authorizing deductions
25 therefrom for payment of premiums due on any group insurance policy or
26 plan issued for the benefit of a group comprised of public employees of
27 the state of Washington.

28 (4) Deductions made in the past from retirement benefits are hereby
29 expressly recognized, ratified, and affirmed. Future deductions may
30 only be made in accordance with this section.

31 **Sec. 19.** RCW 41.20.180 and 1979 ex.s. c 205 s 2 are each amended
32 to read as follows:

33 The right of a person to a pension, an annuity, or retirement
34 allowance, or disability allowance, or death benefits, or any optional
35 benefit, or any other right accrued or accruing to any person under the
36 provisions of this chapter, and any fund created hereby, and all moneys
37 and investments and income thereof, are exempt from any state, county,

1 municipal, or other local tax, and shall not be subject to execution,
2 garnishment, attachment, the operation of bankruptcy or insolvency
3 laws, or other process of law whatsoever, whether the same be in actual
4 possession of the person or be deposited or loaned and shall be
5 unassignable: PROVIDED, That benefits under this chapter shall be
6 payable to a spouse or ex-spouse to the extent expressly provided for
7 in any court decree of dissolution or legal separation or in any court
8 order or court-approved property settlement agreement incident to any
9 court decree of dissolution or legal separation.

10 **Sec. 20.** RCW 41.32.052 and 1991 c 365 s 21 and 1991 c 35 s 63 are
11 each reenacted and amended to read as follows:

12 (1) Subject to subsections (2) and (3) of this section, the right
13 of a person to a pension, an annuity, a retirement allowance, or
14 disability allowance, to the return of contributions, any optional
15 benefit or death benefit, any other right accrued or accruing to any
16 person under the provisions of this chapter and the moneys in the
17 various funds created by this chapter shall be unassignable, and are
18 hereby exempt from any state, county, municipal or other local tax, and
19 shall not be subject to execution, garnishment, attachment, the
20 operation of bankruptcy or insolvency laws, or other process of law
21 whatsoever whether the same be in actual possession of the person or be
22 deposited or loaned.

23 (2) This section shall not be deemed to prohibit a beneficiary of
24 a retirement allowance who is eligible:

25 (a) Under RCW 41.05.080 from authorizing monthly deductions
26 therefrom for payment of premiums due on any group insurance policy or
27 plan issued for the benefit of a group comprised of public employees of
28 the state of Washington or its political subdivisions;

29 (b) Under a group health care benefit plan approved pursuant to RCW
30 28A.400.350 or 41.05.065 from authorizing monthly deductions therefrom,
31 of the amount or amounts of subscription payments, premiums, or
32 contributions to any person, firm, or corporation furnishing or
33 providing medical, surgical, and hospital care or other health care
34 insurance; or

35 (c) Under this system from authorizing monthly deductions therefrom
36 for payment of dues and other membership fees to any retirement

1 association composed of retired teachers and/or public employees
2 pursuant to a written agreement between the director and the retirement
3 association.

4 Deductions under (a) and (b) of this subsection shall be made in
5 accordance with rules that may be adopted by the director.

6 (3) Subsection (1) of this section shall not prohibit the
7 department from complying with (a) a wage assignment order for child
8 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
9 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
10 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
11 benefits assignment order issued by the department, (e) a court order
12 directing the department of retirement systems to pay benefits directly
13 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
14 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
15 administrative or court order expressly authorized by federal law.

16 **Sec. 21.** RCW 41.26.053 and 1991 c 365 s 20 and 1991 c 35 s 25 are
17 each reenacted and amended to read as follows:

18 (1) Subject to subsections (2) and (3) of this section, the right
19 of a person to a retirement allowance, disability allowance, or death
20 benefit, to the return of accumulated contributions, the retirement,
21 disability or death allowance itself, any optional benefit, any other
22 right accrued or accruing to any person under the provisions of this
23 chapter, and the moneys in the fund created under this chapter, are
24 hereby exempt from any state, county, municipal, or other local tax and
25 shall not be subject to execution, garnishment, attachment, the
26 operation of bankruptcy or insolvency laws, or any other process of law
27 whatsoever, whether the same be in actual possession of the person or
28 be deposited or loaned and shall be unassignable.

29 (2) On the written request of any person eligible to receive
30 benefits under this section, the department may deduct from such
31 payments the premiums for life, health, or other insurance. The
32 request on behalf of any child or children shall be made by the legal
33 guardian of such child or children. The department may provide for
34 such persons one or more plans of group insurance, through contracts
35 with regularly constituted insurance carriers or health care service
36 contractors.

1 (3) Subsection (1) of this section shall not prohibit the
2 department from complying with (a) a wage assignment order for child
3 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
4 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
5 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
6 benefits assignment order issued by the department, (e) a court order
7 directing the department of retirement systems to pay benefits directly
8 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
9 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
10 administrative or court order expressly authorized by federal law.

11 **Sec. 22.** RCW 41.28.200 and 1939 c 207 s 21 are each amended to
12 read as follows:

13 The right of a person to a pension, an annuity or a retirement
14 allowance, to the return of contributions, the pension, annuity or
15 retirement allowance itself, any optional benefit, any other right
16 accrued or accruing to any person under the provisions of this chapter,
17 and the moneys in the fund created under this chapter shall not be
18 subject to execution, garnishment, attachment, or any other process
19 whatsoever, whether the same be in actual possession of the person or
20 be deposited or loaned and shall be unassignable except as in this
21 chapter specifically provided.

22 **Sec. 23.** RCW 41.34.080 and 2000 c 247 s 405 are each amended to
23 read as follows:

24 (1) Subject to subsections (2) and (3) of this section, the right
25 of a person to a pension, an annuity, a retirement allowance, any
26 optional benefit, any other right accrued or accruing to any person
27 under the provisions of this chapter, and the various funds created by
28 chapter 239, Laws of 1995; chapter 341, Laws of 1998; and chapter 247,
29 Laws of 2000 and all moneys and investments and income thereof, is
30 hereby exempt from any state, county, municipal, or other local tax,
31 and shall not be subject to execution, garnishment, attachment, the
32 operation of bankruptcy or insolvency laws, or other process of law
33 whatsoever, whether the same be in actual possession of the person or
34 be deposited or loaned and shall be unassignable.

35 (2) This section shall not be deemed to prohibit a beneficiary of
36 a retirement allowance from authorizing deductions therefrom for

1 payment of premiums due on any group insurance policy or plan issued
2 for the benefit of a group comprised of public employees of the state
3 of Washington or its political subdivisions and that has been approved
4 for deduction in accordance with rules that may be adopted by the state
5 health care authority and/or the department. This section shall not be
6 deemed to prohibit a beneficiary of a retirement allowance from
7 authorizing deductions therefrom for payment of dues and other
8 membership fees to any retirement association or organization the
9 membership of which is composed of retired public employees, if a total
10 of three hundred or more of such retired employees have authorized such
11 deduction for payment to the same retirement association or
12 organization.

13 (3) Subsection (1) of this section shall not prohibit the
14 department from complying with (a) a wage assignment order for child
15 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
16 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
17 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
18 benefits assignment order issued by the department, (e) a court order
19 directing the department to pay benefits directly to an obligee under
20 a dissolution order as defined in RCW 41.50.500(3) which fully complies
21 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
22 order expressly authorized by federal law.

23 **Sec. 24.** RCW 41.35.100 and 1998 c 341 s 11 are each amended to
24 read as follows:

25 (1) Subject to subsections (2) and (3) of this section, the right
26 of a person to a pension, an annuity, or retirement allowance, any
27 optional benefit, any other right accrued or accruing to any person
28 under the provisions of this chapter, the various funds created by this
29 chapter, and all moneys and investments and income thereof, are hereby
30 exempt from any state, county, municipal, or other local tax, and shall
31 not be subject to execution, garnishment, attachment, the operation of
32 bankruptcy or insolvency laws, or other process of law whatsoever,
33 whether the same be in actual possession of the person or be deposited
34 or loaned and shall be unassignable.

35 (2) This section does not prohibit a beneficiary of a retirement
36 allowance from authorizing deductions therefrom for payment of premiums
37 due on any group insurance policy or plan issued for the benefit of a

1 group comprised of public employees of the state of Washington or its
2 political subdivisions and which has been approved for deduction in
3 accordance with rules that may be adopted by the state health care
4 authority and/or the department. This section also does not prohibit
5 a beneficiary of a retirement allowance from authorizing deductions
6 therefrom for payment of dues and other membership fees to any
7 retirement association or organization the membership of which is
8 composed of retired public employees, if a total of three hundred or
9 more of such retired employees have authorized such deduction for
10 payment to the same retirement association or organization.

11 (3) Subsection (1) of this section does not prohibit the department
12 from complying with (a) a wage assignment order for child support
13 issued pursuant to chapter 26.18 RCW, (b) an order to withhold and
14 deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll
15 deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits
16 assignment order issued by the department, (e) a court order directing
17 the department of retirement systems to pay benefits directly to an
18 obligee under a dissolution order as defined in RCW 41.50.500(3) which
19 fully complies with RCW 41.50.670 and 41.50.700, or (f) any
20 administrative or court order expressly authorized by federal law.

21 **Sec. 25.** RCW 41.37.090 and 2004 c 242 s 12 are each amended to
22 read as follows:

23 (1) Subject to subsections (2) and (3) of this section, the right
24 of a person to a pension, an annuity, or retirement allowance, any
25 optional benefit, any other right accrued or accruing to any person
26 under this chapter, the various funds created by this chapter, and all
27 moneys and investments and income thereof, are hereby exempt from any
28 state, county, municipal, or other local tax, and shall not be subject
29 to execution, garnishment, attachment, the operation of bankruptcy or
30 insolvency laws, or other process of law whatsoever, whether the same
31 be in actual possession of the person or be deposited or loaned and
32 shall be unassignable.

33 (2) This section does not prohibit a beneficiary of a retirement
34 allowance from authorizing deductions therefrom for payment of premiums
35 due on any group insurance policy or plan issued for the benefit of a
36 group comprised of public employees of the state of Washington or its
37 political subdivisions and which has been approved for deduction in

1 accordance with rules that may be adopted by the state health care
2 authority and/or the department. This section also does not prohibit
3 a beneficiary of a retirement allowance from authorizing deductions
4 therefrom for payment of dues and other membership fees to any
5 retirement association or organization the membership of which is
6 composed of retired public employees, if a total of three hundred or
7 more retired employees have authorized the deduction for payment to the
8 same retirement association or organization.

9 (3) Subsection (1) of this section does not prohibit the department
10 from complying with (a) a wage assignment order for child support
11 issued pursuant to chapter 26.18 RCW, (b) an order to withhold and
12 deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll
13 deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits
14 assignment order issued by the department, (e) a court order directing
15 the department to pay benefits directly to an obligee under a
16 dissolution order as defined in RCW 41.50.500(3) which fully complies
17 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
18 order expressly authorized by federal law.

19 **Sec. 26.** RCW 41.40.052 and 1999 c 83 s 1 are each amended to read
20 as follows:

21 (1) Subject to subsections (2) and (3) of this section, the right
22 of a person to a pension, an annuity, or retirement allowance, any
23 optional benefit, any other right accrued or accruing to any person
24 under the provisions of this chapter, the various funds created by this
25 chapter, and all moneys and investments and income thereof, are hereby
26 exempt from any state, county, municipal, or other local tax, and shall
27 not be subject to execution, garnishment, attachment, the operation of
28 bankruptcy or insolvency laws, or other process of law whatsoever,
29 whether the same be in actual possession of the person or be deposited
30 or loaned and shall be unassignable.

31 (2)(a) This section shall not be deemed to prohibit a beneficiary
32 of a retirement allowance from authorizing deductions therefrom for
33 payment of premiums due on any group insurance policy or plan issued
34 for the benefit of a group comprised of public employees of the state
35 of Washington or its political subdivisions and which has been approved
36 for deduction in accordance with rules that may be adopted by the state
37 health care authority and/or the department, and this section shall not

1 be deemed to prohibit a beneficiary of a retirement allowance from
2 authorizing deductions therefrom for payment of dues and other
3 membership fees to any retirement association or organization the
4 membership of which is composed of retired public employees, if a total
5 of three hundred or more of such retired employees have authorized such
6 deduction for payment to the same retirement association or
7 organization.

8 (b) This section does not prohibit a beneficiary of a retirement
9 allowance from authorizing deductions from that allowance for
10 charitable purposes on the same terms as employees and public officers
11 under RCW 41.04.035 and 41.04.036.

12 (3) Subsection (1) of this section shall not prohibit the
13 department from complying with (a) a wage assignment order for child
14 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
15 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
16 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
17 benefits assignment order issued by the department, (e) a court order
18 directing the department of retirement systems to pay benefits directly
19 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
20 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
21 administrative or court order expressly authorized by federal law.

22 **Sec. 27.** RCW 41.44.240 and 1989 c 360 s 28 are each amended to
23 read as follows:

24 The right of a person to a pension, annuity or a retirement
25 allowance, to the return of contribution, the pension, annuity or
26 retirement allowance itself, any optional benefit, any other right
27 accrued or accruing to any person under the provisions of this chapter,
28 and the moneys in the fund created under this chapter shall not be
29 subject to execution, garnishment, or any other process whatsoever
30 whether the same be in actual possession of the person or be deposited
31 or loaned. This section shall not apply to child support collection
32 actions taken under chapter 26.18, 26.23, or 74.20A RCW against
33 benefits payable under any such plan or arrangement. Benefits under
34 this chapter shall be payable to a spouse or ex-spouse to the extent
35 expressly provided for in any court decree of dissolution or legal
36 separation or in any court order or court-approved property settlement

1 agreement incident to any court decree of dissolution or legal
2 separation.

3 **Sec. 28.** RCW 43.43.310 and 1991 c 365 s 23 are each amended to
4 read as follows:

5 (1) Except as provided in subsections (2) and (3) of this section,
6 the right of any person to a retirement allowance or optional
7 retirement allowance under the provisions hereof and all moneys and
8 investments and income thereof are exempt from any state, county,
9 municipal, or other local tax and shall not be subject to execution,
10 garnishment, attachment, the operation of bankruptcy or the insolvency
11 laws, or other processes of law whatsoever, whether the same be in
12 actual possession of the person or be deposited or loaned and shall be
13 unassignable except as herein specifically provided.

14 (2) Subsection (1) of this section shall not prohibit the
15 department of retirement systems from complying with (a) a wage
16 assignment order for child support issued pursuant to chapter 26.18
17 RCW, (b) an order to withhold and deliver issued pursuant to chapter
18 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW
19 26.23.060, (d) a mandatory benefits assignment order issued pursuant to
20 chapter 41.50 RCW, (e) a court order directing the department of
21 retirement systems to pay benefits directly to an obligee under a
22 dissolution order as defined in RCW 41.50.500(3) which fully complies
23 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
24 order expressly authorized by federal law.

25 (3) Subsection (1) of this section shall not be deemed to prohibit
26 a beneficiary of a retirement allowance from authorizing deductions
27 therefrom for payment of premiums due on any group insurance policy or
28 plan issued for the benefit of a group comprised of members of the
29 Washington state patrol or other public employees of the state of
30 Washington, or for contributions to the Washington state patrol
31 memorial foundation.

32 NEW SECTION. **Sec. 29.** Section 7 of this act expires January 1,
33 2018.

1 NEW SECTION. **Sec. 30.** Section 8 of this act takes effect January
2 1, 2018.

--- END ---