
HOUSE BILL 1105

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Jones, Betrozoff, Kremen, Dellwo, Hargrove, Inslee, Miller, Fraser, Haugen, Wilson, Winsley, Ferguson, Riley, Broback, Edmondson, D. Sommers, May, Wynne, Chandler, Brumsickle and Orr.

Read first time January 18, 1991. Referred to Committee on Revenue.

1 AN ACT Relating to exempting property from execution; and amending
2 RCW 6.15.020.

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

4 **Sec. 1.** RCW 6.15.020 and 1990 c 237 s 1 are each amended to read
5 as follows:

6 (1) It is the policy of the state of Washington to ensure the
7 well-being of its citizens by protecting retirement income to which
8 they are or may become entitled. For that purpose generally and
9 pursuant to the authority granted to the state of Washington under 11
10 U.S.C. Sec. 522(b)(2), the exemptions in this section relating to
11 retirement benefits are provided.

12 (2) Unless otherwise provided by federal law, any money received by
13 any citizen of the state of Washington as a pension from the government
14 of the United States, whether the same be in the actual possession of

1 such person or be deposited or loaned, shall be exempt from execution,
2 attachment, garnishment, or seizure by or under any legal process
3 whatever, and when a debtor dies, or absconds, and leaves his or her
4 family any money exempted by this subsection, the same shall be exempt
5 to the family as provided in this subsection. This subsection shall
6 not apply to child support collection actions issued under chapter
7 26.18, 26.23, or 74.20A RCW, if otherwise permitted by federal law.

8 (3) The right of a person to a pension, annuity, or retirement
9 allowance or disability allowance, or death benefits, or any optional
10 benefit, or any other right accrued or accruing to any citizen of the
11 state of Washington under any employee benefit plan, ~~((and))~~ any fund
12 created by such a plan or arrangement, and any property in this state
13 of the judgment debtor where the judgment is in favor of any other
14 state for failure to pay that state's income tax on benefits received
15 from a pension or other retirement plan shall be exempt from execution,
16 attachment, garnishment, or seizure by or under any legal process
17 whatever. This subsection shall not apply to child support collection
18 actions issued under chapter 26.18, 26.23, or 74.20A RCW if otherwise
19 permitted by federal law. This subsection shall permit benefits under
20 any such plan or arrangement to be payable to a spouse, former spouse,
21 child, or other dependent of a participant in such plan to the extent
22 expressly provided for in a qualified domestic relations order that
23 meets the requirements for such orders under the plan, or, in the case
24 of benefits payable under a plan described in sections 403(b) or 408 of
25 the internal revenue code of 1986, as amended, or section 409 of such
26 code as in effect before January 1, 1984, to the extent provided in any
27 order issued by a court of competent jurisdiction that provides for
28 maintenance or support. This subsection shall not prohibit actions
29 against an employee benefit plan, or fund for valid obligations
30 incurred by the plan or fund for the benefit of the plan or fund.

1 (4) For the purposes of this section, the term "employee benefit
2 plan" means any plan or arrangement that is described in RCW 49.64.020,
3 including any Keogh plan, whether funded by a trust or by an annuity
4 contract, and in sections 401(a) or 403(a) of the internal revenue code
5 of 1986, as amended; or that is described in sections 403(b) or 408 of
6 the internal revenue code of 1986, as amended, or section 409 of such
7 code as in effect before January 1, 1984. The term "employee benefit
8 plan" shall not include any employee benefit plan that is established
9 or maintained for its employees by the government of the United States,
10 by the state of Washington or any political subdivision thereof, or by
11 any agency or instrumentality of any of the foregoing.

12 (5) An employee benefit plan shall be deemed to be a spendthrift
13 trust, regardless of the source of funds, the relationship between the
14 trustee or custodian of the plan and the beneficiary, or the ability of
15 the debtor to withdraw or borrow or otherwise become entitled to
16 benefits from the plan before retirement. This subsection shall not
17 apply to child support collection actions issued under chapter 26.18,
18 26.23, or 74.20A RCW, if otherwise permitted by federal law. This
19 subsection shall permit benefits under any such plan or arrangement to
20 be payable to a spouse, former spouse, child, or other dependent of a
21 participant in such plan to the extent expressly provided for in a
22 qualified domestic relations order that meets the requirements for such
23 orders under the plan, or, in the case of benefits payable under a plan
24 described in sections 403(b) or 408 of the internal revenue code of
25 1986, as amended, or section 409 of such code as in effect before
26 January 1, 1984, to the extent provided in any order issued by a court
27 of competent jurisdiction that provides for maintenance or support.