

3SHB 1169 - S COMM AMD

By Committee on Higher Education & Workforce Development

ADOPTED 02/27/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that an educated  
4 workforce is essential for the state's economic development. By 2020  
5 seventy percent of available jobs in Washington will require at least  
6 a postsecondary credential. According to the 2015 A Skilled and  
7 Educated Workforce report, bachelor degree production in high-demand  
8 fields, such as science, technology, engineering, mathematics, and  
9 health, does not meet the demand of Washington's employers. The state  
10 has also set educational attainment goals to recognize the need and  
11 benefits of an educated workforce. College degree holders have higher  
12 incomes, better financial health, and are more likely to be  
13 homeowners than those who do not have college degrees. In fact, young  
14 adults aged twenty-two to thirty-five with a college degree are fifty  
15 percent more likely to own a home than those without a degree.

16 However, the legislature finds that the cost of higher education  
17 has risen dramatically in recent years. Between 2003 and 2013, the  
18 price index of tuition rose eighty percent, three times the increase  
19 in the consumer price index and nearly double the increase in the  
20 medical price index over the same period. The legislature also finds  
21 that students are financing their education with more student loan  
22 debt. According to the institute for college access and success'  
23 project on student debt, in 2014 fifty-eight percent of recent  
24 graduates in Washington had debt, and the average federal student  
25 loan debt load for a student graduating from a four-year public or  
26 private institution of higher education was twenty-four thousand  
27 eight hundred dollars. This is an increase of forty-two percent since  
28 2004, when the average debt load was seventeen thousand four hundred  
29 dollars. These averages do not take into account additional private  
30 loans that many students take out to supplement their federal loans.

31 Student loan debt can greatly impact the economic benefits of  
32 earning a college degree. Surveys indicate that people burdened by

1 student loan debt are less likely to buy a home; get married and  
2 start a family; start a small business; pursue lower paying  
3 professions such as teaching, nonprofit work, or social work; or even  
4 continue their education. The legislature finds that these decisions  
5 create a chain reaction of economic and social impact to the state.

6 The legislature recognizes that student loan debt is very  
7 different from other forms of debt, such as auto loans and home  
8 mortgages, for a variety of reasons. With most debt, borrowers know  
9 beforehand how much their monthly payment will be. However, student  
10 loans are more complicated because a student may borrow different  
11 amounts term to term and make decisions on an incremental basis as  
12 their financial aid packages, work, and living situations change. In  
13 addition, student loans may have origination fees, accumulated and  
14 capitalized interest, grace and forbearance periods, and income-based  
15 repayment options that all change the monthly payment amount. The  
16 legislature recognizes that another major difference with student  
17 loan debt is the unknown factor: Students take out the debt without  
18 having a clear idea of their future income and other financial  
19 obligations. Lastly, if a student has trouble repaying a student  
20 loan, the loans are not secured with physical property that can be  
21 sold, and in the event of bankruptcy, are nearly impossible to  
22 discharge.

23 According to the United States department of education,  
24 Washington students are defaulting on their federal student loans at  
25 roughly the same rate as the national average. For the cohort that  
26 entered into repayment on their federal student loans in 2013, ten  
27 percent, or seven thousand seven hundred forty-six students, fell  
28 into default during the fiscal year ending September 30, 2016, just  
29 under the national average of eleven percent.

30 The consequences of default can haunt student loan borrowers for  
31 years unless they are able to rehabilitate their loans. These  
32 consequences may include suspension of the borrower's professional  
33 license; excessive contact from collection agencies; garnishment of  
34 wages and bank accounts; as well as seizing of the borrower's tax  
35 refund and other federal payments, such as social security  
36 retirement, and disability benefits. Defaulting on a student loan  
37 damages a borrower's credit, making it difficult to qualify for a  
38 mortgage or auto loan, rent an apartment, and even find employment,  
39 closing people off from the resources they need for financial  
40 stability.

1 The legislature acknowledges that the state currently allows  
2 regulators of twenty-six professions to suspend the professional  
3 licenses or certificates of student loan borrowers who have defaulted  
4 on their loans. In 2015 the department of licensing reported one  
5 hundred ten license suspensions for student loan default within the  
6 eleven professions it regulates, most of which were in the field of  
7 cosmetology. Twenty-one states have similar laws, but recently some  
8 states have repealed their laws or introduced legislation to do so,  
9 recognizing that license suspension hinders a borrower's ability to  
10 repay. It is the legislature's intent to repeal the statutes  
11 regarding professional license or certificate suspension and intends  
12 for those who had their license or certificate suspended to be  
13 eligible to have their license or certificate reinstated.

14 The legislature also finds that Washington state has high  
15 postjudgment interest rates and generous wage and bank account  
16 garnishment rates that negatively impact private student loan  
17 borrowers who default. Studies indicate that wage and bank account  
18 garnishment contributes to financial and employment instability,  
19 unemployment, bankruptcy, homelessness, and chronic stress.  
20 Washington's high interest and garnishment rates also increase the  
21 courts' caseload by making it more attractive for lenders of private  
22 student loans to sue a borrower in court and obtain a judgment than  
23 to negotiate an agreement or settlement with the borrower.

24 Washington state's postjudgment interest rate was set at twelve  
25 percent in 1980 when the prime interest rate was fifteen percent. The  
26 current prime interest rate stands at three and one-half percent. In  
27 addition, the state's current postjudgment rate on torts is around  
28 three percent.

29 Regarding wage garnishment, many states, such as Texas,  
30 Pennsylvania, and South Carolina do not allow for wage garnishment  
31 for consumer debt. For federal student loans, the department of  
32 education can garnish up to fifteen percent of a borrower's  
33 disposable income, but not more than thirty times the minimum wage.  
34 In Washington, a borrower can have twenty-five percent of his or her  
35 disposable earnings garnished, or thirty-five times the federal  
36 minimum wage. As for bank account exemptions, Massachusetts protects  
37 two thousand five hundred dollars from garnishment compared to  
38 Washington's current exemption of five hundred dollars. To put this  
39 figure into perspective, the average rent in the Seattle metropolitan  
40 area is two thousand eighty-seven dollars.



1 (11) RCW 18.76.100 (Certificate suspension—Nonpayment or default  
2 on educational loan or scholarship) and 1996 c 293 s 13;

3 (12) RCW 18.85.341 (License suspension—Nonpayment or default on  
4 educational loan or scholarship) and 2008 c 23 s 30 & 1996 c 293 s  
5 14;

6 (13) RCW 18.96.190 (Certificate of licensure suspension—  
7 Nonpayment or default on educational loan or scholarship) and 2009 c  
8 370 s 16 & 1996 c 293 s 15;

9 (14) RCW 18.104.115 (License suspension—Nonpayment or default on  
10 educational loan or scholarship) and 1996 c 293 s 16;

11 (15) RCW 18.106.290 (Certificate or permit suspension—Nonpayment  
12 or default on educational loan or scholarship) and 1996 c 293 s 17;

13 (16) RCW 18.130.125 (License suspension—Nonpayment or default on  
14 educational loan or scholarship) and 1996 c 293 s 18;

15 (17) RCW 18.140.200 (Certificate, license, or registration  
16 suspension—Nonpayment or default on educational loan or scholarship)  
17 and 2005 c 339 s 16 & 1996 c 293 s 19;

18 (18) RCW 18.145.125 (Certificate suspension—Nonpayment or default  
19 on educational loan or scholarship) and 1996 c 293 s 20;

20 (19) RCW 18.160.085 (Certificate suspension—Nonpayment or default  
21 on educational loan or scholarship) and 1996 c 293 s 21;

22 (20) RCW 18.165.280 (License or certificate suspension—Nonpayment  
23 or default on educational loan or scholarship) and 1996 c 293 s 22;

24 (21) RCW 18.170.163 (License or certificate suspension—Nonpayment  
25 or default on educational loan or scholarship) and 1996 c 293 s 23;

26 (22) RCW 18.180.050 (Registration suspension—Nonpayment or  
27 default on educational loan or scholarship) and 1996 c 293 s 25;

28 (23) RCW 18.185.055 (License suspension—Nonpayment or default on  
29 educational loan or scholarship) and 1996 c 293 s 26; and

30 (24) RCW 28A.410.105 (Certificate or permit suspension—Nonpayment  
31 or default on educational loan or scholarship) and 1996 c 293 s 27.

32 **Sec. 102.** RCW 67.08.100 and 2017 c 46 s 3 are each amended to  
33 read as follows:

34 (1) The department upon receipt of a properly completed  
35 application and payment of a nonrefundable fee, may grant an annual  
36 license to an applicant for the following: (a) Promoter; (b) manager;  
37 (c) boxer; (d) second; (e) wrestling participant; (f) inspector; (g)  
38 judge; (h) timekeeper; (i) announcer; (j) event physician; (k) event

1 chiropractor; (l) referee; (m) matchmaker; (n) kickboxer; (o) martial  
2 arts participant; (p) training facility; (q) amateur sanctioning  
3 organization; and (r) theatrical wrestling school.

4 (2) The application for the following types of licenses includes  
5 a physical performed by a physician, as defined in RCW 67.08.002,  
6 which was performed by the physician with a time period preceding the  
7 application as specified by rule: (a) Boxer; (b) wrestling  
8 participant; (c) kickboxer; (d) martial arts participant; and (e)  
9 referee.

10 (3) An applicant for the following types of licenses for the  
11 sports of boxing, kickboxing, and martial arts must provide annual  
12 proof of certification as having adequate experience, skill, and  
13 training from an organization approved by the department, including,  
14 but not limited to, the association of boxing commissions, the  
15 international boxing federation, the international boxing  
16 organization, the Washington state association of professional ring  
17 officials, the world boxing association, the world boxing council, or  
18 the world boxing organization for boxing officials, and the united  
19 full contact federation for kickboxing and martial arts officials:  
20 (a) Judge; (b) referee; (c) inspector; (d) timekeeper; or (e) other  
21 officials deemed necessary by the department.

22 (4) No person may participate or serve in any of the above  
23 capacities unless licensed as provided in this chapter.

24 (5) The referees, judges, timekeepers, event physicians,  
25 chiropractors, and inspectors for any boxing, kickboxing, or martial  
26 arts event must be designated by the department from among licensed  
27 officials.

28 (6) The referee for any wrestling event must be provided by the  
29 promoter and must be licensed as a wrestling participant.

30 (7) The department must immediately suspend the license or  
31 certificate of a person who has been certified pursuant to RCW  
32 74.20A.320 by the department of social and health services as a  
33 person who is not in compliance with a support order. If the person  
34 has continued to meet all other requirements for reinstatement during  
35 the suspension, reissuance of the license or certificate is automatic  
36 upon the department's receipt of a release issued by the department  
37 of social and health services stating that the licensee is in  
38 compliance with the order.

39 ~~(8) ((The director must suspend the license of any person who has  
40 been certified by a lending agency and reported to the director for~~

1 ~~nonpayment or default on a federally or state-guaranteed educational~~  
2 ~~loan or service-conditional scholarship. Prior to the suspension, the~~  
3 ~~agency must provide the person an opportunity for a brief~~  
4 ~~adjudicative proceeding under RCW 34.05.485 through 34.05.494 and~~  
5 ~~issue a finding of nonpayment or default on a federally or state-~~  
6 ~~guaranteed educational loan or service-conditional scholarship. The~~  
7 ~~person's license may not be reissued until the person provides the~~  
8 ~~director a written release issued by the lending agency stating that~~  
9 ~~the person is making payments on the loan in accordance with a~~  
10 ~~repayment agreement approved by the lending agency. If the person has~~  
11 ~~continued to meet all other requirements for licensure during the~~  
12 ~~suspension, reinstatement is automatic upon receipt of the notice and~~  
13 ~~payment of any reinstatement fee the director may impose.~~

14 ~~(9))~~) A person may not be issued a license if the person has an  
15 unpaid fine outstanding to the department.

16 ~~((10))~~) (9) A person may not be issued a license unless they are  
17 at least eighteen years of age.

18 ~~((11))~~) (10)(a) This section does not apply to:

19 (i) Contestants or participants in events at which only amateurs  
20 are engaged in contests;

21 (ii) Wrestling participants engaged in training or a wrestling  
22 show at a theatrical wrestling school; and

23 (iii) Fraternal organizations and/or veterans' organizations  
24 chartered by congress or the defense department, excluding any  
25 recognized amateur sanctioning body recognized by the department.

26 (b) Upon request of the department, a promoter, contestant, or  
27 participant must provide sufficient information to reasonably  
28 determine whether this chapter applies.

29 **PART II**  
30 **PRIVATE STUDENT LOAN DEFAULT**

31 **Sec. 201.** RCW 4.56.110 and 2010 c 149 s 1 are each amended to  
32 read as follows:

33 Interest on judgments shall accrue as follows:

34 (1) Judgments founded on written contracts, providing for the  
35 payment of interest until paid at a specified rate, shall bear  
36 interest at the rate specified in the contracts: PROVIDED, That said  
37 interest rate is set forth in the judgment.

1 (2) All judgments for unpaid child support that have accrued  
2 under a superior court order or an order entered under the  
3 administrative procedure act shall bear interest at the rate of  
4 twelve percent.

5 (3)(a) Judgments founded on the tortious conduct of a "public  
6 agency" as defined in RCW 42.30.020 shall bear interest from the date  
7 of entry at two percentage points above the equivalent coupon issue  
8 yield, as published by the board of governors of the federal reserve  
9 system, of the average bill rate for twenty-six week treasury bills  
10 as determined at the first bill market auction conducted during the  
11 calendar month immediately preceding the date of entry. In any case  
12 where a court is directed on review to enter judgment on a verdict or  
13 in any case where a judgment entered on a verdict is wholly or partly  
14 affirmed on review, interest on the judgment or on that portion of  
15 the judgment affirmed shall date back to and shall accrue from the  
16 date the verdict was rendered.

17 (b) Except as provided in (a) of this subsection, judgments  
18 founded on the tortious conduct of individuals or other entities,  
19 whether acting in their personal or representative capacities, shall  
20 bear interest from the date of entry at two percentage points above  
21 the prime rate, as published by the board of governors of the federal  
22 reserve system on the first business day of the calendar month  
23 immediately preceding the date of entry. In any case where a court is  
24 directed on review to enter judgment on a verdict or in any case  
25 where a judgment entered on a verdict is wholly or partly affirmed on  
26 review, interest on the judgment or on that portion of the judgment  
27 affirmed shall date back to and shall accrue from the date the  
28 verdict was rendered.

29 (4) Except as provided under subsection (1) of this section,  
30 judgments for unpaid private student loan debt, as defined in RCW  
31 6.01.060, shall bear interest from the date of entry at two  
32 percentage points above the prime rate, as published by the board of  
33 governors of the federal reserve system on the first business day of  
34 the calendar month immediately preceding the date of entry.

35 (5) Except as provided under subsections (1), (2), (~~and~~) (3),  
36 and (4) of this section, judgments shall bear interest from the date  
37 of entry at the maximum rate permitted under RCW 19.52.020 on the  
38 date of entry thereof. In any case where a court is directed on  
39 review to enter judgment on a verdict or in any case where a judgment  
40 entered on a verdict is wholly or partly affirmed on review, interest



1 on the judgment or on that portion of the judgment affirmed shall  
2 date back to and shall accrue from the date the verdict was rendered.  
3 The method for determining an interest rate prescribed by this  
4 subsection is also the method for determining the "rate applicable to  
5 civil judgments" for purposes of RCW 10.82.090.

6 **Sec. 202.** RCW 6.01.060 and 1988 c 231 s 1 are each amended to  
7 read as follows:

8 ~~((The term "certified mail," as used in this title,))~~ The  
9 definitions in this section apply throughout this title unless the  
10 context clearly requires otherwise.

11 (1) "Certified mail" includes, for mailings to a foreign country,  
12 any form of mail that requires or permits a return receipt.

13 (2) "Private student loan" means any loan not guaranteed by the  
14 federal or state government that is used solely for personal use to  
15 finance postsecondary education and costs of attendance at an  
16 educational institution. A private student loan includes a loan made  
17 solely to refinance a private student loan. A private student loan  
18 does not include an extension of credit made under an open-end  
19 consumer credit plan, a reverse mortgage transaction, a residential  
20 mortgage transaction, or any other loan that is secured by real  
21 property or a dwelling.

22 **Sec. 203.** RCW 6.15.010 and 2012 c 117 s 2 are each amended to  
23 read as follows:

24 (1) Except as provided in RCW 6.15.050, the following personal  
25 property is exempt from execution, attachment, and garnishment:

26 (a) All wearing apparel of every individual and family, but not  
27 to exceed three thousand five hundred dollars in value in furs,  
28 jewelry, and personal ornaments for any individual.

29 (b) All private libraries including electronic media, which  
30 includes audiovisual, entertainment, or reference media in digital or  
31 analogue format, of every individual, but not to exceed three  
32 thousand five hundred dollars in value, and all family pictures and  
33 keepsakes.

34 (c) A cell phone, personal computer, and printer.

35 (d) To each individual or, as to community property of spouses  
36 maintaining a single household as against a creditor of the  
37 community, to the community:

1 (i) The individual's or community's household goods, appliances,  
2 furniture, and home and yard equipment, not to exceed six thousand  
3 five hundred dollars in value for the individual or thirteen thousand  
4 dollars for the community, no single item to exceed seven hundred  
5 fifty dollars, said amount to include provisions and fuel for the  
6 comfortable maintenance of the individual or community;

7 (ii) Other personal property, except personal earnings as  
8 provided under RCW 6.15.050(1), not to exceed three thousand dollars  
9 in value, of which not more than one thousand five hundred dollars in  
10 value may consist of cash, and of which not more than:

11 ~~(A) ((Until January 1, 2018:~~

12 ~~(I) For debts owed to state agencies, two hundred dollars in~~  
13 ~~value may consist of bank accounts, savings and loan accounts,~~  
14 ~~stocks, bonds, or other securities. The maximum exemption under~~  
15 ~~(c)(ii)(A) of this subsection may not exceed two hundred dollars,~~  
16 ~~regardless of the number of existing separate bank accounts, savings~~  
17 ~~and loan accounts, stocks, bonds, or other securities.~~

18 ~~(II) For all other debts, five hundred dollars in value may~~  
19 ~~consist of bank accounts, savings and loan accounts, stocks, bonds,~~  
20 ~~or other securities. The maximum exemption under (c)(ii)(B) of this~~  
21 ~~subsection may not exceed five hundred dollars, regardless of the~~  
22 ~~number of existing separate bank accounts, savings and loan accounts,~~  
23 ~~stocks, bonds, or other securities.~~

24 ~~(B) After January 1, 2018:))~~ For all debts except private student  
25 loan debt, five hundred dollars in value may consist of bank  
26 accounts, savings and loan accounts, stocks, bonds, or other  
27 securities. The maximum exemption under this subsection (1)((~~e~~))  
28 (d)(ii)((~~B~~))(A) may not exceed five hundred dollars, regardless of  
29 the number of existing separate bank accounts, savings and loan  
30 accounts, stocks, bonds, or other securities.

31 (B) For all private student loan debt, two thousand five hundred  
32 dollars in value may consist of bank accounts, savings and loan  
33 accounts, stocks, bonds, or other securities. The maximum exemption  
34 under this subsection (1)(d)(ii)(B) may not exceed two thousand five  
35 hundred dollars, regardless of the number of existing separate bank  
36 accounts, savings and loan accounts, stocks, bonds, or other  
37 securities;

38 (iii) For an individual, a motor vehicle used for personal  
39 transportation, not to exceed three thousand two hundred fifty  
40 dollars or for a community two motor vehicles used for personal

1 transportation, not to exceed six thousand five hundred dollars in  
2 aggregate value;

3 (iv) Any past due, current, or future child support paid or owed  
4 to the debtor, which can be traced;

5 (v) All professionally prescribed health aids for the debtor or a  
6 dependent of the debtor; and

7 (vi) To any individual, the right to or proceeds of a payment not  
8 to exceed twenty thousand dollars on account of personal bodily  
9 injury, not including pain and suffering or compensation for actual  
10 pecuniary loss, of the debtor or an individual of whom the debtor is  
11 a dependent; or the right to or proceeds of a payment in compensation  
12 of loss of future earnings of the debtor or an individual of whom the  
13 debtor is or was a dependent, to the extent reasonably necessary for  
14 the support of the debtor and any dependent of the debtor. The  
15 exemption under this subsection ~~(1)(e))~~ (d)(vi) does not apply to  
16 the right of the state of Washington, or any agent or assignee of the  
17 state, as a lienholder or subrogee under RCW 43.20B.060.

18 ~~((d))~~ (e) To each qualified individual, one of the following  
19 exemptions:

20 (i) To a farmer, farm trucks, farm stock, farm tools, farm  
21 equipment, supplies and seed, not to exceed ten thousand dollars in  
22 value;

23 (ii) To a physician, surgeon, attorney, member of the clergy, or  
24 other professional person, the individual's library, office  
25 furniture, office equipment and supplies, not to exceed ten thousand  
26 dollars in value;

27 (iii) To any other individual, the tools and instruments and  
28 materials used to carry on his or her trade for the support of  
29 himself or herself or family, not to exceed ten thousand dollars in  
30 value.

31 ~~((e))~~ (f) Tuition units, under chapter 28B.95 RCW, purchased  
32 more than two years prior to the date of a bankruptcy filing or court  
33 judgment, and contributions to any other qualified tuition program  
34 under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as  
35 amended, and to a Coverdell education savings account, also known as  
36 an education individual retirement account, under 26 U.S.C. Sec. 530  
37 of the internal revenue code of 1986, as amended, contributed more  
38 than two years prior to the date of a bankruptcy filing or court  
39 judgment.

1 (2) For purposes of this section, "value" means the reasonable  
2 market value of the debtor's interest in an article or item at the  
3 time it is selected for exemption, exclusive of all liens and  
4 encumbrances thereon.

5 **Sec. 204.** RCW 6.27.100 and 2012 c 159 s 3 are each amended to  
6 read as follows:

7 (1) A writ issued for a continuing lien on earnings shall be  
8 substantially in the form provided in RCW 6.27.105. All other writs  
9 of garnishment shall be substantially in the following form, but:

10 (a) If the writ is issued under an order or judgment for child  
11 support, the following statement shall appear conspicuously in the  
12 caption: "This garnishment is based on a judgment or order for child  
13 support";

14 (b) If the writ is issued under an order or judgment for private  
15 student loan debt, the following statement shall appear conspicuously  
16 in the caption: "This garnishment is based on a judgment or order for  
17 private student loan debt"; and

18 (c) If the writ is issued by an attorney, the writ shall be  
19 revised as indicated in subsection (2) of this section:

20 "IN THE ..... COURT  
21 OF THE STATE OF WASHINGTON IN AND FOR  
22 THE COUNTY OF .....

23 ..... ,  
24 Plaintiff, No. ....  
25 vs.  
26 ..... , WRIT OF  
27 Defendant, GARNISHMENT  
28 ..... ,  
29 Garnishee

30 THE STATE OF WASHINGTON TO: .....  
31 Garnishee

32 AND TO: .....  
33 Defendant

1                   The above-named plaintiff has applied for a writ of  
2 garnishment against you, claiming that the above-named  
3 defendant is indebted to plaintiff and that the amount to  
4 be held to satisfy that indebtedness is \$ . . . . . ,  
5 consisting of:

6	Balance on Judgment or Amount of Claim	\$....
7	Interest under Judgment from . . . . to . . . .	\$....
8	Per Day Rate of Estimated Interest	\$....
9		per day
10	Taxable Costs and Attorneys' Fees	\$....
11	Estimated Garnishment Costs:	
12	Filing and Ex Parte Fees	\$....
13	Service and Affidavit Fees	\$....
14	Postage and Costs of Certified Mail	\$....
15	Answer Fee or Fees	\$....
16	Garnishment Attorney Fee	\$....
17	Other	\$....

18           YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,  
19 by the attorney of record for the plaintiff, or by this writ, not to  
20 pay any debt, whether earnings subject to this garnishment or any  
21 other debt, owed to the defendant at the time this writ was served  
22 and not to deliver, sell, or transfer, or recognize any sale or  
23 transfer of, any personal property or effects of the defendant in  
24 your possession or control at the time when this writ was served. Any  
25 such payment, delivery, sale, or transfer is void to the extent  
26 necessary to satisfy the plaintiff's claim and costs for this writ  
27 with interest.

28           YOU ARE FURTHER COMMANDED to answer this writ according to the  
29 instructions in this writ and in the answer forms and, within twenty  
30 days after the service of the writ upon you, to mail or deliver the  
31 original of such answer to the court, one copy to the plaintiff or  
32 the plaintiff's attorney, and one copy to the defendant, at the  
33 addresses listed at the bottom of this writ.

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  
4 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU  
5 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED  
6 THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT  
7 PROPERTY OR EFFECTS 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-  
11 entitled Court, and the seal thereof, this . . . . day  
12 of . . . . ., ((20)). . . . (year)

13 [Seal]

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

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

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

33 Dated this .....day of....., ((20))....  
34 (year)

35 .....  
36 .....

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

9 **Sec. 205.** RCW 6.27.105 and 2012 c 159 s 4 are each amended to  
 10 read as follows:

11 (1) A writ that is issued for a continuing lien on earnings shall  
 12 be substantially in the following form, but:

13 (a) If the writ is issued under an order or judgment for child  
 14 support, the following statement shall appear conspicuously in the  
 15 caption: "This garnishment is based on a judgment or order for child  
 16 support((÷))";

17 (b) If the writ is issued under an order or judgment for private  
 18 student loan debt, the following statement shall appear conspicuously  
 19 in the caption: "This garnishment is based on a judgment or order for  
 20 private student loan debt"; and

21 (c) If the writ is issued by an attorney, the writ shall be  
 22 revised as indicated in subsection (2) of this section:

"IN THE ..... COURT  
 OF THE STATE OF WASHINGTON IN AND FOR  
 THE COUNTY OF .....

.....,  
 Plaintiff, No. ....  
 vs.  
 ....., WRIT OF  
 Defendant GARNISHMENT FOR  
 CONTINUING LIEN ON  
 ....., EARNINGS  
 Garnishee

THE STATE OF WASHINGTON TO:.....  
 Garnishee

AND TO:.....

1 Defendant

2 The above-named plaintiff has applied for a writ of  
3 garnishment against you, claiming that the above-named  
4 defendant is indebted to plaintiff and that the amount to  
5 be held to satisfy that indebtedness is \$ . . . . . ,  
6 consisting of:

7	Balance on Judgment or Amount of Claim	\$ . . . .
8	Interest under Judgment from . . . . to . . . .	\$ . . . .
9	Per Day Rate of Estimated Interest	\$ . . . .
10		per day
11	Taxable Costs and Attorneys' Fees	\$ . . . .
12	Estimated Garnishment Costs:	
13	Filing and Ex Parte Fees	\$ . . . .
14	Service and Affidavit Fees	\$ . . . .
15	Postage and Costs of Certified Mail	\$ . . . .
16	Answer Fee or Fees	\$ . . . .
17	Garnishment Attorney Fee	\$ . . . .
18	Other	\$ . . . .

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

33 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,  
34 by the attorney of record for the plaintiff, or by this writ, not to  
35 pay any debt, whether earnings subject to this garnishment or any  
36 other debt, owed to the defendant at the time this writ was served  
37 and not to deliver, sell, or transfer, or recognize any sale or



1 transfer of, any personal property or effects of the defendant in  
2 your possession or control at the time when this writ was served. Any  
3 such payment, delivery, sale, or transfer is void to the extent  
4 necessary to satisfy the plaintiff's claim and costs for this writ  
5 with interest.

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

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

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

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

39 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE  
40 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM

1 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND  
2 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU  
3 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED  
4 THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT  
5 PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

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

8 Witness, the Honorable . . . . ., Judge of the above-  
9 entitled Court, and the seal thereof, this . . . . day  
10 of . . . . ., ((20)). . . . (year)

11 [Seal]

12	.....	.....
13	Attorney for	Clerk of
14	Plaintiff (or	the Court
15	Plaintiff, if no	
16	attorney)	
17	.....	.....
18	Address	By
19	.....	.....
20	Name of Defendant	Address"
21	.....	
22	Address of Defendant	

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

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

31 Dated this .....day of....., ((20))....  
32 (year)

33  
34 .....  
35 Attorney for Plaintiff

1 .....  
 2 Address Address of the Clerk of the  
 3 Court"  
 4 .....  
 5 Name of Defendant  
 6 .....  
 7 Address of Defendant

8 **Sec. 206.** RCW 6.27.140 and 2012 c 159 s 8 are each amended to  
 9 read as follows:

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

13 NOTICE OF GARNISHMENT  
 14 AND OF YOUR RIGHTS

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

22 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

23 WAGES. If the garnishee is your employer who owes wages or  
 24 other personal earnings to you, your employer is required to  
 25 pay amounts to you that are exempt under state and federal  
 26 laws, as explained in the writ of garnishment. You should  
 27 receive a copy of your employer's answer, which will show how  
 28 the exempt amount was calculated. If the garnishment is for  
 29 child support, the exempt amount paid to you will be a  
 30 percent of your disposable earnings, which is fifty percent  
 31 of that part of your earnings remaining after your employer  
 32 deducts those amounts which are required by law to be  
 33 withheld. If the garnishment is for private student loan  
 34 debt, the exempt amount paid to you will be the greater of  
 35 the following: A percent of your disposable earnings, which  
 36 is eighty-five percent of the part of your earnings remaining

1 after your employer deducts those amounts which are required  
2 by law to be withheld, or fifty times the minimum hourly wage  
3 of the highest minimum wage law in the state at the time the  
4 earnings are payable.

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

20 OTHER EXEMPTIONS. If the garnishee holds other property of  
21 yours, some or all of it may be exempt under RCW 6.15.010, a  
22 Washington statute that exempts certain property of your  
23 choice (including up to \$2,500.00 in a bank account if you  
24 owe on private student loan debts or up to \$500.00 in a bank  
25 account for all other debts) and certain other property such  
26 as household furnishings, tools of trade, and a motor vehicle  
27 (all limited by differing dollar values).

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

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

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

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

12 .....  
13 Name of Court  
14 ..... No .....  
15 Plaintiff,  
16 vs.  
17 ..... EXEMPTION CLAIM  
18 Defendant,  
19 .....  
20 Garnishee Defendant

21 INSTRUCTIONS:

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

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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.

Social Security. I receive \$ . . . . . monthly.

Veterans' Benefits. I receive \$ . . . . . monthly.

Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ . . . . . monthly.

Unemployment Compensation. I receive \$ . . . . . monthly.

Child support. I receive \$ . . . . . monthly.

Other. Explain . . . . .  
. . . . .

\$2,500 exemption for private student loan debts.

\$500 exemption for all other debts.

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

No money other than from above payments are in the account.

Moneys in addition to the above payments have been deposited in the account. Explain . . . . .  
. . . . .

1 .....  
2

OTHER PROPERTY:

3 [ ] Describe property .....  
4

5 .....  
6

(If you claim other personal property as exempt,  
you must attach a list of all other personal property  
that you own.)  
7

8 .....  
9

Print: Your name      If married or in a state  
registered domestic  
partnership,  
name of husband/wife/  
state registered domestic  
partner  
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15 .....  
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Your signature      Signature of husband,  
wife, or state registered  
domestic partner  
17  
18

19 .....  
20

Address      Address  
(if different from yours)  
21  
22

23 .....  
24

Telephone number      Telephone number  
(if different from yours)  
25

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

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

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

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

8 .....  
9 Name of Court  
10 ..... No .....  
11 Plaintiff,  
12 vs.  
13 ..... EXEMPTION CLAIM  
14 Defendant,  
15 .....  
16 Garnishee Defendant

17 INSTRUCTIONS:

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

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



1 IF PENSION OR RETIREMENT BENEFITS ARE  
2 GARNISHED:

3 [ ] Name and address of employer who is paying the  
4 benefits:.....  
5 .....

6 IF EARNINGS ARE GARNISHED FOR CHILD  
7 SUPPORT:

8 [ ] I claim maximum exemption.

9 IF EARNINGS ARE GARNISHED FOR PRIVATE  
10 STUDENT LOAN DEBT:

11 [ ] I claim maximum exemption.

12 .....

13	Print: Your name	If married or in a state
14		registered domestic
15		partnership,
16		name of husband/wife/state
17		registered domestic partner

18 .....

19	Your signature	Signature of husband,
20		wife, or state registered
21		domestic partner

22 .....

23 .....

24	Address	Address
25		(if different from yours)

26 .....

27	Telephone number	Telephone number
28		(if different from yours)

29 CAUTION: If the plaintiff objects to your claim, you will have to  
30 go to court and give proof of your claim. For example, if you claim  
31 that a bank account is exempt, you may have to show the judge your  
32 bank statements and papers that show the source of the money you  
33 deposited in the bank. Your claim may be granted more quickly if you  
34 attach copies of such proof to your claim.

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

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

8 (d) If the writ under (b) of this subsection is not a writ for  
9 the collection of private student loan debt, the exemption language  
10 pertaining to private student loan debt may be omitted.

11 **Sec. 207.** RCW 6.27.150 and 2012 c 159 s 9 are each amended to  
12 read as follows:

13 (1) Except as provided in subsections (2) and (3) of this  
14 section, if the garnishee is an employer owing the defendant  
15 earnings, then for each week of such earnings, an amount shall be  
16 exempt from garnishment which is the greatest of the following:

17 (a) Thirty-five times the federal minimum hourly wage in effect  
18 at the time the earnings are payable; or

19 (b) Seventy-five percent of the disposable earnings of the  
20 defendant.

21 (2) In the case of a garnishment based on a judgment or other  
22 order for child support or court order for spousal maintenance, other  
23 than a mandatory wage assignment order pursuant to chapter 26.18 RCW,  
24 or a mandatory assignment of retirement benefits pursuant to chapter  
25 41.50 RCW, the exemption shall be fifty percent of the disposable  
26 earnings of the defendant.

27 (3) In the case of a garnishment based on a judgment or other  
28 order for the collection of private student loan debt, for each week  
29 of such earnings, an amount shall be exempt from garnishment which is  
30 the greater of the following:

31 (a) Fifty times the minimum hourly wage of the highest minimum  
32 wage law in the state at the time the earnings are payable; or

33 (b) Eighty-five percent of the disposable earnings of the  
34 defendant.

35 (4) The exemptions stated in this section shall apply whether  
36 such earnings are paid, or are to be paid, weekly, monthly, or at  
37 other intervals, and whether earnings are due the defendant for one  
38 week, a portion thereof, or for a longer period.

