
HOUSE BILL 1169

State of Washington

65th Legislature

2017 Regular Session

By Representatives Orwall, Pollet, Appleton, Goodman, Tarleton, Bergquist, Stanford, Fitzgibbon, Doglio, and Wylie

Read first time 01/12/17. Referred to Committee on Higher Education.

1 AN ACT Relating to student opportunity, assistance, and relief
2 for student loans; amending RCW 67.08.100, 4.56.110, 6.01.060,
3 6.15.010, 6.27.100, 6.27.105, 6.27.140, 6.27.140, and 6.27.150;
4 adding a new chapter to Title 28B RCW; creating new sections;
5 repealing RCW 2.48.165, 18.04.420, 18.08.470, 18.11.270, 18.16.230,
6 18.20.200, 18.27.360, 18.39.465, 18.43.160, 18.46.055, 18.76.100,
7 18.85.341, 18.96.190, 18.104.115, 18.106.290, 18.130.125, 18.140.200,
8 18.145.125, 18.160.085, 18.165.280, 18.170.163, 18.180.050,
9 18.185.055, and 28A.410.105; providing an effective date; and
10 providing an expiration date.

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

12 NEW SECTION. **Sec. 1.** The legislature finds that an educated
13 workforce is essential for the state's economic development. By 2020
14 seventy percent of available jobs in Washington will require at least
15 a postsecondary credential. According to the 2015 A Skilled and
16 Educated Workforce report, bachelor degree production in high-demand
17 fields, such as science, technology, engineering, mathematics, and
18 health, does not meet the demand of Washington's employers. The state
19 has also set educational attainment goals to recognize the need and
20 benefits of an educated workforce. College degree holders have higher
21 incomes, better financial health, and are more likely to be

1 homeowners than those who do not have college degrees. In fact, young
2 adults aged twenty-two to thirty-five with a college degree are fifty
3 percent more likely to own a home than those without a degree.

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

19 Student loan debt can greatly impact the economic benefits of
20 earning a college degree. Surveys indicate that people burdened by
21 student loan debt are less likely to buy a home; get married and
22 start a family; start a small business; pursue lower paying
23 professions such as teaching, nonprofit work, or social work; or even
24 continue their education. The legislature finds that these decisions
25 create a chain reaction of economic and social impact to the state.

26 The legislature recognizes that student loan debt is very
27 different from other forms of debt, such as auto loans and home
28 mortgages, for a variety of reasons. With most debt, borrowers know
29 beforehand how much their monthly payment will be. However, student
30 loans are more complicated because a student may borrow different
31 amounts term to term and make decisions on an incremental basis as
32 their financial aid packages, work, and living situations change. In
33 addition, student loans may have origination fees, accumulated and
34 capitalized interest, grace and forbearance periods, and income-based
35 repayment options that all change the monthly payment amount. The
36 legislature recognizes that another major difference with student
37 loan debt is the unknown factor: Students take out the debt without
38 having a clear idea of their future income and other financial
39 obligations. Lastly, if a student has trouble repaying a student
40 loan, the loans are not secured with physical property that can be

1 sold, and in the event of bankruptcy, are nearly impossible to
2 discharge.

3 According to the United States department of education,
4 Washington students are defaulting on their federal student loans at
5 roughly the same rate as the national average. For the cohort that
6 entered into repayment on their federal student loans in 2013, ten
7 percent, or seven thousand seven hundred forty-six students, fell
8 into default during the fiscal year ending September 30, 2016, just
9 under the national average of eleven percent.

10 The consequences of default can haunt student loan borrowers for
11 years unless they are able to rehabilitate their loans. These
12 consequences may include suspension of the borrower's professional
13 license; harassment by collection agencies; garnishment of wages and
14 bank accounts; as well as seizing of the borrower's tax refund,
15 social security retirement, and disability benefits. Defaulting on a
16 student loan damages a borrower's credit, making it difficult to
17 qualify for a mortgage or auto loan, rent an apartment, and even find
18 employment, closing people off from the resources they need for
19 financial stability.

20 The legislature finds that students may be uninformed borrowers
21 who underestimate what their monthly payment may be after they leave
22 school or who do not fully understand the complex, myriad of options
23 available to them to repay their federal student loans. Therefore,
24 the legislature recognizes that students may need help navigating
25 available options and could benefit from a statewide student loan
26 debt hotline as well as student loan debt counselors.

27 The legislature also acknowledges that the state currently allows
28 regulators of twenty-six professions to suspend the professional
29 licenses or certificates of student loan borrowers who have defaulted
30 on their loans. In 2015 the department of licensing reported one
31 hundred ten license suspensions for student loan default within the
32 eleven professions it regulates, most of which were in the field of
33 cosmetology. Twenty-one states have similar laws, but recently some
34 states have repealed their laws or introduced legislation to do so,
35 recognizing that license suspension hinders a borrower's ability to
36 repay. It is the legislature's intent to repeal the statutes
37 regarding professional license or certificate suspension and intends
38 for those who had their license or certificate suspended to be
39 eligible to have their license or certificate reinstated.

1 The legislature also finds that Washington state has high
2 postjudgment interest rates and generous wage and bank account
3 garnishment rates that negatively impact private student loan
4 borrowers who default. Studies indicate that wage and bank account
5 garnishment contributes to financial and employment instability,
6 unemployment, bankruptcy, homelessness, and chronic stress.
7 Washington's high interest and garnishment rates also increase the
8 courts' caseload by making it more attractive for lenders of private
9 student loans to sue a borrower in court and obtain a judgment than
10 to negotiate an agreement or settlement with the borrower.

11 Washington state's postjudgment interest rate was set at twelve
12 percent in 1980 when the prime interest rate was fifteen percent. The
13 current prime interest rate stands at three and one-half percent. In
14 addition, the state's current postjudgment rate on torts is around
15 three percent.

16 Regarding wage garnishment, many states, such as Texas,
17 Pennsylvania, and South Carolina do not allow for wage garnishment
18 for consumer debt. For federal student loans, the department of
19 education can garnish up to fifteen percent of a borrower's
20 disposable income, but not more than thirty times the minimum wage.
21 In Washington, a borrower can have twenty-five percent of his or her
22 disposable earnings garnished, or thirty-five times the federal
23 minimum wage. As for bank account exemptions, Massachusetts protects
24 two thousand five hundred dollars from garnishment compared to
25 Washington's current exemption of five hundred dollars. To put this
26 figure into perspective, the average rent in the Seattle metropolitan
27 area is two thousand eighty-seven dollars.

28 Therefore, it is the legislature's intent to provide no-cost,
29 independent financial counseling to Washington students to help them
30 make informed financial decisions about student loan debt and to help
31 student loan borrowers in default avoid loss of professional license
32 or certification, which hinders repayment. It is also the
33 legislature's intent to help student loan borrowers in default to
34 maintain financial stability and to avoid the hardships of bank
35 account and wage garnishment by making the postjudgment interest rate
36 for private student loan debt more comparable to the market rate and
37 by increasing the exemptions for bank account and wage garnishments.

38 **PART I**
39 **STUDENT EDUCATION LOAN DEBT COUNSELORS**

1 NEW SECTION. **Sec. 101.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Borrower" means either of the following:

5 (a) A person who has received or agreed to pay a student
6 education loan who is either a resident of the state or is enrolled
7 at an educational institution; or

8 (b) A resident of the state who shares responsibility for
9 repaying a student education loan with a person described in (a) of
10 this subsection.

11 (2) "Collection agency" has the definition in RCW 19.16.100.

12 (3) "Educational institution" includes any degree-granting
13 institution as defined in RCW 28B.85.010, a private vocational school
14 as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020.

15 (4) "Lender" means a private entity that originates a student
16 education loan for a borrower and does not include the federal
17 government.

18 (5) "Servicer" means an entity receiving scheduled periodic
19 payments from a borrower pursuant to the terms of a student education
20 loan and applying those payments of principal and interest and such
21 other payments with respect to the amounts received from a borrower,
22 as may be required pursuant to the terms of a student education loan.

23 (6) "Student education loan" means any loan solely for personal
24 use to finance postsecondary education and costs of attendance at an
25 educational institution. A "student education loan" includes a loan
26 made solely to refinance a student education loan. A "student
27 education loan" does not include an extension of credit under an
28 open-end consumer credit plan, an extension of credit under a closed-
29 end consumer credit plan, a reverse mortgage transaction, a
30 residential mortgage transaction, or any other loan that is secured
31 by real property or a dwelling.

32 (7) "Student education loan debt counseling organization" means a
33 nonprofit counseling organization that has been trained in assisting
34 borrowers with repayment and other options available to borrowers
35 regarding student education loans and student education loan default
36 in accordance with the requirements in section 103 of this act and is
37 approved by either the federal government or the housing finance
38 commission.

39 (8) "Student education loan debt hotline" is the toll-free
40 telephone number or charge-free equivalent made available to

1 borrowers to find a nonprofit student education loan debt counseling
2 organization.

3 NEW SECTION. **Sec. 102.** (1) A notice must be made available to
4 the borrower through a written letter or email with the information
5 required under subsection (3) of this section by the following
6 entities as described:

7 (a) An educational institution any time a borrower with loans
8 certified by the educational institution drops out, transfers to a
9 different educational institution, or graduates from the educational
10 institution; and

11 (b) A lender, the lender's servicer, or a collection agency any
12 time a notice of delinquency, default, collections, or a summons and
13 complaint for a student education loan is issued to a borrower.

14 (2) The student achievement council under chapter 28B.77 RCW, the
15 state board for community and technical colleges under RCW
16 28B.50.050, and the educational institutions are encouraged to
17 disseminate the information in subsection (3) of this section by
18 posting it on web sites, including it in financial aid educational
19 materials and notices, educating financial aid advisors, and any
20 other method deemed appropriate with the goal of notifying as many
21 students as possible.

22 (3) The notice must include a toll-free telephone number for the
23 statewide student education loan debt hotline and a web site where
24 the borrower can receive information and assistance with student
25 education loans, including a statement that student education loan
26 debt counselors are available at no cost to the borrower. The notice
27 sent to students must include the following statement, in at least
28 twelve point type:

29 **SEEKING ASSISTANCE**

30 Student education loan debt counselors may be available at no
31 cost to you. If you would like assistance in understanding and
32 determining your options and rights regarding your student education
33 loans, you may contact the following:

34 The statewide student education loan debt hotline for assistance
35 and referral to a nonprofit student education loan debt counseling
36 organization:

37 Telephone: Web site:

38 The Federal Student Aid Office of the United States Department of
39 Education:

1 Telephone: Web site:

2 NEW SECTION. **Sec. 103.** (1) To be eligible to provide student
3 education loan debt counseling services, a student education loan
4 debt counseling organization must be a nonprofit that has student
5 education loan counselors familiar with issues regarding student
6 education loan debt including, but not limited to:

7 (a) The differences between private and federal student education
8 loans, and the different types of federal student education loans;

9 (b) Grace periods, repayment, deferment, forbearance,
10 delinquency, and default statuses;

11 (c) Income-based repayment, pay as you earn, and loan forgiveness
12 options;

13 (d) The impact of private and federal student education loan
14 default, such as denial of new student education loans and federal
15 and state financial aid, negative credit reporting, academic
16 transcript withholding, litigation, collection fees, federal treasury
17 offsets, wage garnishment, and bank account garnishment;

18 (e) Situations for loan discharge, such as total and permanent
19 disability, death, false certification, an unpaid loan disbursement
20 refund, and school closure;

21 (f) Options for resolving delinquency and requirements for
22 student education loan rehabilitation;

23 (g) When student education loan consolidation benefits a borrower
24 and the pros and cons of federal student education loan consolidation
25 versus private student education loan consolidation;

26 (h) The impacts of refinancing a federal or private student
27 education loan with other consumer debt, such as the loss of federal
28 income-based repayment, pay as you earn, and loan forgiveness
29 options; loss of forbearance, deferment, and delinquency periods for
30 federal student education loans; the loss of the student education
31 loan debt counseling assistance; and the potential loss of lower
32 postjudgment interest and garnishment rates in the event of default;

33 (i) The debt collection and judgment process, including the
34 borrower's rights and responsibilities if they are served; and

35 (j) The garnishment process and a borrower's rights and
36 responsibilities if they are garnished.

37 (2) Housing counseling organizations shall be approved by the
38 housing finance commission to become student education loan debt

1 counseling organizations with the responsibilities under section 104
2 of this act.

3 NEW SECTION. **Sec. 104.** (1) Student education loan debt
4 counseling organizations and their counselors have a duty to act in
5 good faith to assist borrowers by:

6 (a) Informing the borrower of his or her options and rights
7 regarding his or her student education loans;

8 (b) Advising the borrower about what documents the borrower must
9 have to seek a student education loan modification or other
10 resolution; and

11 (c) Providing other guidance, advice, and education as the
12 student education loan debt counselor considers necessary.

13 (2) Student education loan debt counseling organizations and
14 their counselors providing assistance to borrowers are not liable for
15 civil damages resulting from any acts or omissions in providing
16 assistance, unless the acts or omissions constitute gross negligence
17 or willful or wanton misconduct.

18 (3) The department of commerce shall enter into interagency
19 agreements to contract with the Washington state housing finance
20 commission and other appropriate entities to implement the student
21 education loan debt counseling program and the student education loan
22 debt hotline required under this chapter.

23 **PART II**
24 **PROFESSIONAL LICENSE SUSPENSIONS**

25 NEW SECTION. **Sec. 201.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 2.48.165 (Disbarment or license suspension—Nonpayment or
28 default on educational loan or scholarship) and 1996 c 293 s 1;

29 (2) RCW 18.04.420 (License or certificate suspension—Nonpayment
30 or default on educational loan or scholarship) and 1996 c 293 s 2;

31 (3) RCW 18.08.470 (Certificate or registration suspension—
32 Nonpayment or default on educational loan or scholarship) and 1996 c
33 293 s 3;

34 (4) RCW 18.11.270 (License, certificate, or registration
35 suspension—Nonpayment or default on educational loan or scholarship)
36 and 1996 c 293 s 4;

- 1 (5) RCW 18.16.230 (License suspension—Nonpayment or default on
2 educational loan or scholarship) and 1996 c 293 s 5;
- 3 (6) RCW 18.20.200 (License suspension—Nonpayment or default on
4 educational loan or scholarship) and 1996 c 293 s 6;
- 5 (7) RCW 18.27.360 (Certificate of registration suspension—
6 Nonpayment or default on educational loan or scholarship) and 1996 c
7 293 s 7;
- 8 (8) RCW 18.39.465 (License suspension—Nonpayment or default on
9 educational loan or scholarship) and 1996 c 293 s 9;
- 10 (9) RCW 18.43.160 (Certificate of registration or license
11 suspension—Nonpayment or default on educational loan or scholarship)
12 and 1996 c 293 s 10;
- 13 (10) RCW 18.46.055 (License suspension—Nonpayment or default on
14 educational loan or scholarship) and 1996 c 293 s 12;
- 15 (11) RCW 18.76.100 (Certificate suspension—Nonpayment or default
16 on educational loan or scholarship) and 1996 c 293 s 13;
- 17 (12) RCW 18.85.341 (License suspension—Nonpayment or default on
18 educational loan or scholarship) and 2008 c 23 s 30 & 1996 c 293 s
19 14;
- 20 (13) RCW 18.96.190 (Certificate of licensure suspension—
21 Nonpayment or default on educational loan or scholarship) and 2009 c
22 370 s 16 & 1996 c 293 s 15;
- 23 (14) RCW 18.104.115 (License suspension—Nonpayment or default on
24 educational loan or scholarship) and 1996 c 293 s 16;
- 25 (15) RCW 18.106.290 (Certificate or permit suspension—Nonpayment
26 or default on educational loan or scholarship) and 1996 c 293 s 17;
- 27 (16) RCW 18.130.125 (License suspension—Nonpayment or default on
28 educational loan or scholarship) and 1996 c 293 s 18;
- 29 (17) RCW 18.140.200 (Certificate, license, or registration
30 suspension—Nonpayment or default on educational loan or scholarship)
31 and 2005 c 339 s 16 & 1996 c 293 s 19;
- 32 (18) RCW 18.145.125 (Certificate suspension—Nonpayment or default
33 on educational loan or scholarship) and 1996 c 293 s 20;
- 34 (19) RCW 18.160.085 (Certificate suspension—Nonpayment or default
35 on educational loan or scholarship) and 1996 c 293 s 21;
- 36 (20) RCW 18.165.280 (License or certificate suspension—Nonpayment
37 or default on educational loan or scholarship) and 1996 c 293 s 22;
- 38 (21) RCW 18.170.163 (License or certificate suspension—Nonpayment
39 or default on educational loan or scholarship) and 1996 c 293 s 23;

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

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

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

7 **Sec. 202.** RCW 67.08.100 and 2012 c 99 s 6 are each amended to
8 read as follows:

9 (1) The department upon receipt of a properly completed
10 application and payment of a nonrefundable fee, may grant an annual
11 license to an applicant for the following: (a) Promoter; (b) manager;
12 (c) boxer; (d) second; (e) wrestling participant; (f) inspector; (g)
13 judge; (h) timekeeper; (i) announcer; (j) event physician; (k) event
14 chiropractor; (l) referee; (m) matchmaker; (n) kickboxer; (o) martial
15 arts participant; (p) training facility; and (q) amateur sanctioning
16 organization.

17 (2) The application for the following types of licenses shall
18 include a physical performed by a physician, as defined in RCW
19 67.08.002, which was performed by the physician with a time period
20 preceding the application as specified by rule: (a) Boxer; (b)
21 wrestling participant; (c) kickboxer; (d) martial arts participant;
22 and (e) referee.

23 (3) An applicant for the following types of licenses for the
24 sports of boxing, kickboxing, and martial arts shall provide annual
25 proof of certification as having adequate experience, skill, and
26 training from an organization approved by the department, including,
27 but not limited to, the association of boxing commissions, the
28 international boxing federation, the international boxing
29 organization, the Washington state association of professional ring
30 officials, the world boxing association, the world boxing council, or
31 the world boxing organization for boxing officials, and the united
32 full contact federation for kickboxing and martial arts officials:
33 (a) Judge; (b) referee; (c) inspector; (d) timekeeper; or (e) other
34 officials deemed necessary by the department.

35 (4) No person shall participate or serve in any of the above
36 capacities unless licensed as provided in this chapter.

37 (5) The referees, judges, timekeepers, event physicians,
38 chiropractors, and inspectors for any boxing, kickboxing, or martial

1 arts event shall be designated by the department from among licensed
2 officials.

3 (6) The referee for any wrestling event shall be provided by the
4 promoter and shall be licensed as a wrestling participant.

5 (7) The department shall immediately suspend the license or
6 certificate of a person who has been certified pursuant to RCW
7 74.20A.320 by the department of social and health services as a
8 person who is not in compliance with a support order. If the person
9 has continued to meet all other requirements for reinstatement during
10 the suspension, reissuance of the license or certificate shall be
11 automatic upon the department's receipt of a release issued by the
12 department of social and health services stating that the licensee is
13 in compliance with the order.

14 ~~(8) ((The director shall suspend the license of any person who
15 has been certified by a lending agency and reported to the director
16 for nonpayment or default on a federally or state-guaranteed
17 educational loan or service-conditional scholarship. Prior to the
18 suspension, the agency must provide the person an opportunity for a
19 brief adjudicative proceeding under RCW 34.05.485 through 34.05.494
20 and issue a finding of nonpayment or default on a federally or state-
21 guaranteed educational loan or service-conditional scholarship. The
22 person's license may not be reissued until the person provides the
23 director a written release issued by the lending agency stating that
24 the person is making payments on the loan in accordance with a
25 repayment agreement approved by the lending agency. If the person has
26 continued to meet all other requirements for licensure during the
27 suspension, reinstatement is automatic upon receipt of the notice and
28 payment of any reinstatement fee the director may impose.~~

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

31 ~~((10))~~ (9) A person may not be issued a license unless they are
32 at least eighteen years of age.

33 ~~((11))~~ (10) This section shall not apply to contestants or
34 participants in events at which only amateurs are engaged in contests
35 and/or fraternal organizations and/or veterans' organizations
36 chartered by congress or the defense department excluding any
37 recognized amateur sanctioning body recognized by the department.
38 Upon request of the department, a promoter, contestant, or
39 participant shall provide sufficient information to reasonably
40 determine whether this chapter applies.

1 6.01.060, shall bear interest from the date of entry at two
2 percentage points above the prime rate, as published by the board of
3 governors of the federal reserve system on the first business day of
4 the calendar month immediately preceding the date of entry.

5 (5) Except as provided under subsections (1), (2), (~~and~~) (3),
6 and (4) of this section, judgments shall bear interest from the date
7 of entry at the maximum rate permitted under RCW 19.52.020 on the
8 date of entry thereof. In any case where a court is directed on
9 review to enter judgment on a verdict or in any case where a judgment
10 entered on a verdict is wholly or partly affirmed on review, interest
11 on the judgment or on that portion of the judgment affirmed shall
12 date back to and shall accrue from the date the verdict was rendered.
13 The method for determining an interest rate prescribed by this
14 subsection is also the method for determining the "rate applicable to
15 civil judgments" for purposes of RCW 10.82.090.

16 **Sec. 302.** RCW 6.01.060 and 1988 c 231 s 1 are each amended to
17 read as follows:

18 ((The term "certified mail," as used in this title,)) The
19 definitions in this section apply throughout this title unless the
20 context clearly requires otherwise.

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

23 (2) "Private student loan" means any loan not guaranteed by the
24 federal or state government that is used primarily for personal use
25 to finance postsecondary education and costs of attendance at an
26 educational institution. A private student loan includes a loan made
27 solely to refinance a private student loan. A private student loan
28 does not include an extension of credit made under an open-end
29 consumer credit plan, a reverse mortgage transaction, a residential
30 mortgage transaction, or any other loan that is secured by real
31 property or a dwelling.

32 **Sec. 303.** RCW 6.15.010 and 2012 c 117 s 2 are each amended to
33 read as follows:

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

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

1 (b) All private libraries including electronic media, which
2 includes audiovisual, entertainment, or reference media in digital or
3 analogue format, of every individual, but not to exceed three
4 thousand five hundred dollars in value, and all family pictures and
5 keepsakes.

6 (c) To each individual or, as to community property of spouses
7 maintaining a single household as against a creditor of the
8 community, to the community:

9 (i) The individual's or community's household goods, appliances,
10 furniture, and home and yard equipment, not to exceed six thousand
11 five hundred dollars in value for the individual or thirteen thousand
12 dollars for the community, no single item to exceed seven hundred
13 fifty dollars, said amount to include provisions and fuel for the
14 comfortable maintenance of the individual or community;

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

19 (A) Until January 1, 2018:

20 (I) For debts owed to state agencies, two hundred dollars in
21 value may consist of bank accounts, savings and loan accounts,
22 stocks, bonds, or other securities. The maximum exemption under
23 (c)(ii)(A) of this subsection may not exceed two hundred dollars,
24 regardless of the number of existing separate bank accounts, savings
25 and loan accounts, stocks, bonds, or other securities.

26 (II) For all private student loan debt, two thousand five hundred
27 dollars in value may consist of bank accounts, savings and loan
28 accounts, stocks, bonds, or other securities. The maximum exemption
29 under this subsection (1)(c)(ii)(A)(II) may not exceed two thousand
30 five hundred dollars, regardless of the number of existing separate
31 bank accounts, savings and loan accounts, stocks, bonds, or other
32 securities.

33 (III) For all other debts, five hundred dollars in value may
34 consist of bank accounts, savings and loan accounts, stocks, bonds,
35 or other securities. The maximum exemption under (c)(ii)(B)(I) of
36 this subsection may not exceed five hundred dollars, regardless of
37 the number of existing separate bank accounts, savings and loan
38 accounts, stocks, bonds, or other securities.

39 (B) After January 1, 2018:

1 (I) For all debts except private student loan debt, five hundred
2 dollars in value may consist of bank accounts, savings and loan
3 accounts, stocks, bonds, or other securities. The maximum exemption
4 under this subsection (1)(c)(ii)(B)(I) may not exceed five hundred
5 dollars, regardless of the number of existing separate bank accounts,
6 savings and loan accounts, stocks, bonds, or other securities.

7 (II) For all private student loan debt, two thousand five hundred
8 dollars in value may consist of bank accounts, savings and loan
9 accounts, stocks, bonds, or other securities. The maximum exemption
10 under this subsection (1)(c)(ii)(B)(II) may not exceed two thousand
11 five hundred dollars, regardless of the number of existing separate
12 bank accounts, savings and loan accounts, stocks, bonds, or other
13 securities;

14 (iii) For an individual, a motor vehicle used for personal
15 transportation, not to exceed three thousand two hundred fifty
16 dollars or for a community two motor vehicles used for personal
17 transportation, not to exceed six thousand five hundred dollars in
18 aggregate value;

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

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

23 (vi) To any individual, the right to or proceeds of a payment not
24 to exceed twenty thousand dollars on account of personal bodily
25 injury, not including pain and suffering or compensation for actual
26 pecuniary loss, of the debtor or an individual of whom the debtor is
27 a dependent; or the right to or proceeds of a payment in compensation
28 of loss of future earnings of the debtor or an individual of whom the
29 debtor is or was a dependent, to the extent reasonably necessary for
30 the support of the debtor and any dependent of the debtor. The
31 exemption under this subsection (1)(c)(vi) does not apply to the
32 right of the state of Washington, or any agent or assignee of the
33 state, as a lienholder or subrogee under RCW 43.20B.060.

34 (d) To each qualified individual, one of the following
35 exemptions:

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

39 (ii) To a physician, surgeon, attorney, member of the clergy, or
40 other professional person, the individual's library, office

1 furniture, office equipment and supplies, not to exceed ten thousand
2 dollars in value;

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

7 (e) Tuition units, under chapter 28B.95 RCW, purchased more than
8 two years prior to the date of a bankruptcy filing or court judgment,
9 and contributions to any other qualified tuition program under 26
10 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and
11 to a Coverdell education savings account, also known as an education
12 individual retirement account, under 26 U.S.C. Sec. 530 of the
13 internal revenue code of 1986, as amended, contributed more than two
14 years prior to the date of a bankruptcy filing or court judgment.

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

19 **Sec. 304.** RCW 6.27.100 and 2012 c 159 s 3 are each amended to
20 read as follows:

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

24 (a) If the writ is issued under an order or judgment for child
25 support, the following statement shall appear conspicuously in the
26 caption: "This garnishment is based on a judgment or order for child
27 support";

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

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

34 "IN THE COURT
35 OF THE STATE OF WASHINGTON IN AND FOR
36 THE COUNTY OF

37,

38 Plaintiff, No.

1 vs.

2 , WRIT OF
3 Defendant, GARNISHMENT

4 ,
5 Garnishee

6 THE STATE OF WASHINGTON TO:
7 Garnishee

8 AND TO:
9 Defendant

10 The above-named plaintiff has applied for a writ of
11 garnishment against you, claiming that the above-named
12 defendant is indebted to plaintiff and that the amount to
13 be held to satisfy that indebtedness is \$,
14 consisting of:

| | | |
|----|---|---------|
| 15 | Balance on Judgment or Amount of Claim | \$.... |
| 16 | Interest under Judgment from to | \$.... |
| 17 | Per Day Rate of Estimated Interest | \$.... |
| 18 | | per day |
| 19 | Taxable Costs and Attorneys' Fees | \$.... |
| 20 | Estimated Garnishment Costs: | |
| 21 | Filing and Ex Parte Fees | \$.... |
| 22 | Service and Affidavit Fees | \$.... |
| 23 | Postage and Costs of Certified Mail | \$.... |
| 24 | Answer Fee or Fees | \$.... |
| 25 | Garnishment Attorney Fee | \$.... |
| 26 | Other | \$.... |

27 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
28 by the attorney of record for the plaintiff, or by this writ, not to
29 pay any debt, whether earnings subject to this garnishment or any
30 other debt, owed to the defendant at the time this writ was served
31 and not to deliver, sell, or transfer, or recognize any sale or
32 transfer of, any personal property or effects of the defendant in
33 your possession or control at the time when this writ was served. Any
34 such payment, delivery, sale, or transfer is void to the extent
35 necessary to satisfy the plaintiff's claim and costs for this writ
36 with interest.

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

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

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

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

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

23 [Seal]

24
25 Attorney for Clerk of
26 Plaintiff (or the Court
27 Plaintiff, if no
28 attorney)
29
30 Address By
31
32 Name of Defendant Address"
33
34 Address of Defendant

35 (2) If an attorney issues the writ of garnishment, the final
36 paragraph of the writ, containing the date, and the subscribed

1 attorney and clerk provisions, shall be replaced with text in
2 substantially the following form:

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

7 Dated thisday of....., ((20))....
8 (year)
9
10
11 Attorney for Plaintiff
12
13 Address Address of the Clerk of the
14 Court"
15
16 Name of Defendant
17
18 Address of Defendant

19 **Sec. 305.** RCW 6.27.105 and 2012 c 159 s 4 are each amended to
20 read as follows:

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

23 (a) If the writ is issued under an order or judgment for child
24 support, the following statement shall appear conspicuously in the
25 caption: "This garnishment is based on a judgment or order for child
26 support((+))";

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

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

33 "IN THE COURT
34 OF THE STATE OF WASHINGTON IN AND FOR
35 THE COUNTY OF

36

1 Plaintiff, No.
 2 vs.
 3 WRIT OF
 4 Defendant GARNISHMENT FOR
 5 CONTINUING LIEN ON
 6 EARNINGS
 7 Garnishee

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

10 AND TO:.....
 11 Defendant

12 The above-named plaintiff has applied for a writ of
 13 garnishment against you, claiming that the above-named
 14 defendant is indebted to plaintiff and that the amount to
 15 be held to satisfy that indebtedness is \$,
 16 consisting of:

| | | |
|----|---|---------|
| 17 | Balance on Judgment or Amount of Claim | \$ |
| 18 | Interest under Judgment from to | \$ |
| 19 | Per Day Rate of Estimated Interest | \$ |
| 20 | | per day |
| 21 | Taxable Costs and Attorneys' Fees | \$ |
| 22 | Estimated Garnishment Costs: | |
| 23 | Filing and Ex Parte Fees | \$ |
| 24 | Service and Affidavit Fees | \$ |
| 25 | Postage and Costs of Certified Mail | \$ |
| 26 | Answer Fee or Fees | \$ |
| 27 | Garnishment Attorney Fee | \$ |
| 28 | Other | \$ |

29 THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD
 30 the nonexempt portion of the defendant's earnings due at the time of
 31 service of this writ and shall also hold the defendant's nonexempt
 32 earnings that accrue through the last payroll period ending on or
 33 before SIXTY days after the date of service of this writ. HOWEVER, IF
 34 THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE
 35 DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING
 36 LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's

1 nonexempt earnings that accrue from the date the previously served
2 writ or writs terminate and through the last payroll period ending on
3 or before sixty days after the date of termination of the previous
4 writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING
5 WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF
6 GARNISHMENT.

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

17 YOU ARE FURTHER COMMANDED to answer this writ according to the
18 instructions in this writ and in the answer forms and, within twenty
19 days after the service of the writ upon you, to mail or deliver the
20 original of such answer to the court, one copy to the plaintiff or
21 the plaintiff's attorney, and one copy to the defendant, at the
22 addresses listed at the bottom of this writ.

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

1 the minimum hourly wage of the highest minimum wage law in the state
2 at the time the earnings are payable.

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

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

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

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

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

23 [Seal]

| | | |
|----|----------------------|-----------|
| 24 | | |
| 25 | Attorney for | Clerk of |
| 26 | Plaintiff (or | the Court |
| 27 | Plaintiff, if no | |
| 28 | attorney) | |
| 29 | | |
| 30 | Address | By |
| 31 | | |
| 32 | Name of Defendant | Address" |
| 33 | | |
| 34 | Address of Defendant | |

35 (2) If an attorney issues the writ of garnishment, the final
36 paragraph of the writ, containing the date, and the subscribed

1 attorney and clerk provisions, shall be replaced with text in
2 substantially the following form:

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

7 Dated thisday of....., ((20))....
8 (year)

9
10
11 Attorney for Plaintiff
12
13 Address Address of the Clerk of the
14 Court"

15

16 Name of Defendant
17

18 Address of Defendant

19 **Sec. 306.** RCW 6.27.140 and 2012 c 159 s 7 are each amended to
20 read as follows:

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

25 NOTICE OF GARNISHMENT
26 AND OF YOUR RIGHTS

27 A Writ of Garnishment issued in a Washington court has been
28 or will be served on the garnishee named in the attached copy
29 of the writ. After receipt of the writ, the garnishee is
30 required to withhold payment of any money that was due to you
31 and to withhold any other property of yours that the
32 garnishee held or controlled. This notice of your rights is
33 required by law.

34 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

1 WAGES. If the garnishee is your employer who owes wages or
2 other personal earnings to you, your employer is required to
3 pay amounts to you that are exempt under state and federal
4 laws, as explained in the writ of garnishment. You should
5 receive a copy of your employer's answer, which will show how
6 the exempt amount was calculated. If the garnishment is for
7 child support, the exempt amount paid to you will be a
8 percent of your disposable earnings, which is fifty percent
9 of that part of your earnings remaining after your employer
10 deducts those amounts which are required by law to be
11 withheld. If the garnishment is for private student loan
12 debt, the exempt amount paid to you will be the greater of
13 the following: A percent of your disposable earnings, which
14 is eighty-five percent of the part of your earnings remaining
15 after your employer deducts those amounts which are required
16 by law to be withheld, or fifty times the minimum hourly wage
17 of the highest minimum wage law in the state at the time the
18 earnings are payable.

19 BANK ACCOUNTS. If the garnishee is a bank or other
20 institution with which you have an account in which you have
21 deposited benefits such as Temporary Assistance for Needy
22 Families, Supplemental Security Income (SSI), Social
23 Security, veterans' benefits, unemployment compensation, or
24 any federally qualified pension, such as a state or federal
25 pension, individual retirement account (IRA), or 401K plan,
26 you may claim the account as fully exempt if you have
27 deposited only such benefit funds in the account. It may be
28 partially exempt even though you have deposited money from
29 other sources in the same account. An exemption is also
30 available under RCW 26.16.200, providing that funds in a
31 community bank account that can be identified as the earnings
32 of a stepparent are exempt from a garnishment on the child
33 support obligation of the parent.

34 OTHER EXEMPTIONS. If the garnishee holds other property of
35 yours, some or all of it may be exempt under RCW 6.15.010, a
36 Washington statute that exempts certain property of your
37 choice (including money in a bank account up to \$200.00 for
38 debts owed to state agencies, up to \$2,500.00 for private
39 student loan debts, or up to \$500.00 for all other debts) and

1 certain other property such as household furnishings, tools
2 of trade, and a motor vehicle (all limited by differing
3 dollar values).

4 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
5 mail or deliver it as described in instructions on the claim
6 form. If the plaintiff does not object to your claim, the
7 funds or other property that you have claimed as exempt must
8 be released not later than 10 days after the plaintiff
9 receives your claim form. If the plaintiff objects, the law
10 requires a hearing not later than 14 days after the plaintiff
11 receives your claim form, and notice of the objection and
12 hearing date will be mailed to you at the address that you
13 put on the claim form.

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

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

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

25
26 Name of Court
27 No
28 Plaintiff,
29 vs.
30 EXEMPTION CLAIM
31 Defendant,
32
33 Garnishee Defendant

34 INSTRUCTIONS:

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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.

Social Security. I receive \$ monthly.

Veterans' Benefits. I receive \$ monthly.

Pensions and retirement accounts including, but not limited to, U.S. Government Pension, federally qualified pension, individual retirement account (IRA), 401K, 403(b), and any state retirement system listed in RCW 41.50.030. I receive \$ monthly.

Unemployment Compensation. I receive \$ monthly.

Child support. I receive \$ monthly.

Other. Explain
.....

\$200 exemption if debt is to state agency.

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

\$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

.....
.....

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
4 bank statements and papers that show the source of the money you
5 deposited in the bank. Your claim may be granted more quickly if you
6 attach 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,
12 the claim form required by RCW 6.27.130(1) to be mailed to or served
13 on an individual judgment debtor shall be in the following form,
14 subject to (c) of this subsection, printed or typed in no smaller
15 than size twelve point font type:

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

18
19 Name of Court
20 No
21 Plaintiff,
22 vs.
23 EXEMPTION CLAIM
24 Defendant,
25
26 Garnishee Defendant

27 INSTRUCTIONS:

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

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

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

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

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

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

Sec. 307. RCW 6.27.140 and 2012 c 159 s 8 are each amended to read as follows:

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

NOTICE OF GARNISHMENT
AND OF YOUR RIGHTS

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

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

1 WAGES. If the garnishee is your employer who owes wages or
2 other personal earnings to you, your employer is required to
3 pay amounts to you that are exempt under state and federal
4 laws, as explained in the writ of garnishment. You should
5 receive a copy of your employer's answer, which will show how
6 the exempt amount was calculated. If the garnishment is for
7 child support, the exempt amount paid to you will be a
8 percent of your disposable earnings, which is fifty percent
9 of that part of your earnings remaining after your employer
10 deducts those amounts which are required by law to be
11 withheld. If the garnishment is for private student loan
12 debt, the exempt amount paid to you will be the greater of
13 the following: A percent of your disposable earnings, which
14 is eighty-five percent of the part of your earnings remaining
15 after your employer deducts those amounts which are required
16 by law to be withheld, or fifty times the minimum hourly wage
17 of the highest minimum wage law in the state at the time the
18 earnings are payable.

19 BANK ACCOUNTS. If the garnishee is a bank or other
20 institution with which you have an account in which you have
21 deposited benefits such as Temporary Assistance for Needy
22 Families, Supplemental Security Income (SSI), Social
23 Security, veterans' benefits, unemployment compensation, or
24 any federally qualified pension, such as a state or federal
25 pension, individual retirement account (IRA), or 401K plan,
26 you may claim the account as fully exempt if you have
27 deposited only such benefit funds in the account. It may be
28 partially exempt even though you have deposited money from
29 other sources in the same account. An exemption is also
30 available under RCW 26.16.200, providing that funds in a
31 community bank account that can be identified as the earnings
32 of a stepparent are exempt from a garnishment on the child
33 support obligation of the parent.

34 OTHER EXEMPTIONS. If the garnishee holds other property of
35 yours, some or all of it may be exempt under RCW 6.15.010, a
36 Washington statute that exempts certain property of your
37 choice (including up to \$2,500.00 in a bank account if you
38 owe on private student loan debts or up to \$500.00 in a bank
39 account for all other debts) and certain other property such

1 as household furnishings, tools of trade, and a motor vehicle
2 (all limited by differing dollar values).

3 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
4 mail or deliver it as described in instructions on the claim
5 form. If the plaintiff does not object to your claim, the
6 funds or other property that you have claimed as exempt must
7 be released not later than 10 days after the plaintiff
8 receives your claim form. If the plaintiff objects, the law
9 requires a hearing not later than 14 days after the plaintiff
10 receives your claim form, and notice of the objection and
11 hearing date will be mailed to you at the address that you
12 put on the claim form.

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

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

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

24
25 Name of Court
26 No
27 Plaintiff,
28 vs.
29 EXEMPTION CLAIM
30 Defendant,
31
32 Garnishee Defendant

33 INSTRUCTIONS:

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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.
- 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:

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

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 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.

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

I claim maximum exemption.

.....

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

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

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

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

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

Sec. 308. RCW 6.27.150 and 2012 c 159 s 9 are each amended to read as follows:

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

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

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

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

