
SENATE BILL 5065

State of Washington

53rd Legislature

1993 Regular Session

By Senator A. Smith

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to garnishment; and amending RCW 6.27.140,
2 6.27.150, and 6.27.310.

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

4 **Sec. 1.** RCW 6.27.140 and 1987 c 442 s 1014 are each amended to
5 read as follows:

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

9 NOTICE OF GARNISHMENT

10 AND OF YOUR RIGHTS

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

1 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

2 WAGES. If the garnishee is your employer who owes wages or
3 other personal earnings to you, your employer is required to
4 pay amounts to you that are exempt under state and federal
5 laws, as explained in the writ of garnishment. You should
6 receive a copy of your employer's answer, which will show how
7 the exempt amount was calculated. If the garnishment is for
8 child support, the exempt amount paid to you will be forty
9 percent of wages due you, but if you are supporting a spouse or
10 dependent child, you are entitled to claim an additional ten
11 percent as exempt.

12 BANK ACCOUNTS. If the garnishee is a bank or other institution
13 with which you have an account in which you have deposited
14 benefits such as Aid to Families with Dependent Children
15 (AFDC), Supplemental Security Income (SSI), Social Security,
16 veterans' benefits, unemployment compensation, or a United
17 States pension, you may claim the account as fully exempt if
18 you have deposited only such benefit funds in the account. It
19 may be partially exempt even though you have deposited money
20 from other sources in the same account. An exemption is also
21 available under RCW 26.16.200, providing that funds in a
22 community bank account that can be identified as the earnings
23 of a stepparent are exempt from a garnishment on the child
24 support obligation of the parent.

25 OTHER EXEMPTIONS. If the garnishee holds other property of
26 yours, some or all of it may be exempt under RCW 6.15.010, a
27 Washington statute that exempts up to (~~five hundred~~) one
28 thousand dollars of property of your choice (including up to
29 one hundred dollars in cash (~~or~~) and up to one hundred
30 dollars in a bank account) and certain property such as
31 household furnishings, tools of trade, and (~~a~~) motor vehicles
32 (all limited by differing dollar values).

33 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
34 mail or deliver it as described in instructions on the claim
35 form. If the plaintiff does not object to your claim, the
36 funds or other property that you have claimed as exempt must be
37 released not later than 10 days after the plaintiff receives

1 your claim form. If the plaintiff objects, the law requires a
2 hearing not later than 14 days after the plaintiff receives
3 your claim form, and notice of the objection and hearing date
4 will be mailed to you at the address that you put on the claim
5 form.

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

9 (2) The claim form required by RCW 6.27.130(1) to be mailed to or
10 served on an individual judgment debtor shall be in the following form,
11 printed or typed in type no smaller than elite type:

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

14

15 Name of Court

16

No.

17 Plaintiff,

18 vs.

19

EXEMPTION CLAIM

20 Defendant,

21

22 Garnishee Defendant

23 INSTRUCTIONS:

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

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

2 IF BANK ACCOUNT IS GARNISHED:

3 [] The account contains payments from:

4 [] AFDC, SSI, or other public assistance. I receive \$.
5 monthly.

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

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

8 [] U.S. Government Pension. I receive \$. monthly.

9 [] Unemployment Compensation. I receive \$. monthly.

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

11 [] Other. Explain
12

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

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

16 [] Moneys in addition to the above payments have been deposited
17 in the account. Explain
18
19

20 IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

21 [] I claim maximum exemption.

22 [] I am supporting another child or other children.

23 [] I am supporting a husband or a wife.

24 IF EARNINGS ARE GARNISHED THAT ARE NOT FOR CHILD SUPPORT:

25 [] Number of dependent children residing with defendant: . . .
26

27 IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

28 [] Name and address of employer who is paying the benefits: .
29

1 OTHER PROPERTY:

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

6
7 Print: Your name If married,
8 name of husband/wife

10
11 Your signature Signature of husband
12 or wife

14
15
16 Address Address
17 (if different from yours)

19
20 Telephone number Telephone number
21 (if different from yours)

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

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

33 **Sec. 2.** RCW 6.27.150 and 1991 c 365 s 26 are each amended to read
34 as follows:

35 (1) Except as provided in subsection (2) of this section, if the
36 garnishee is an employer owing the defendant earnings, then for each

1 week of such earnings, an amount shall be exempt from garnishment which
2 is the greatest of the following:

3 (a) Thirty times the federal minimum hourly wage prescribed by
4 section 206(a)(1) of Title 29 of the United States Code in effect at
5 the time the earnings are payable; or

6 (b) Forty times the state minimum hourly wage prescribed by RCW
7 49.46.020 in effect at the time the earnings are payable; or

8 (c) Seventy-five percent of the disposable earnings of the
9 defendant.

10 (2) In the case of a garnishment based on a judgment or other court
11 order for child support or court order for spousal maintenance, other
12 than a mandatory wage assignment order pursuant to chapter 26.18 RCW,
13 or a mandatory assignment of retirement benefits pursuant to chapter
14 41.50 RCW, the exemption shall be fifty percent of the disposable
15 earnings of the defendant if the individual is supporting a spouse or
16 dependent child (other than a spouse or child on whose behalf the
17 garnishment is brought), or forty percent of the disposable earnings of
18 the defendant if the individual is not supporting such a spouse or
19 dependent child.

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

24 (4) In addition to the exemption set forth in subsection (1) of
25 this section, an additional sum of fifty dollars per week may be
26 claimed as exempt for each dependent child residing with the defendant.

27 (5) Unless directed otherwise by the court, the garnishee shall
28 determine and deduct exempt amounts under this section as directed in
29 the writ of garnishment and answer, and shall pay these amounts to the
30 defendant.

31 ~~((+5))~~ (6) No money due or earned as earnings as defined in RCW
32 6.27.010 shall be exempt from garnishment under the provisions of RCW
33 6.15.010, as now or hereafter amended.

34 **Sec. 3.** RCW 6.27.310 and 1987 c 442 s 1031 are each amended to
35 read as follows:

36 (1) Except as provided in subsections (2) and (3) of this section
37 in all cases where it shall appear from the answer of the garnishee
38 that the garnishee was indebted to the defendant when the writ of

1 garnishment was served, no controversion is pending, there has been no
2 discharge or judgment against the garnishee entered, and one year has
3 passed since the filing of the answer of the garnishee, the court,
4 after ten days' notice in writing to the plaintiff, shall enter an
5 order dismissing the writ of garnishment and discharging the
6 garnishee(~~(: PROVIDED, That this provision)~~).

7 (2) Notwithstanding subsection (1) of this section, when the amount
8 held by the garnishee under the writ is one hundred dollars or less and
9 the debtor has failed to claim said amount as exempt and sixty days
10 have elapsed since the filing of the answer on the writ without
11 judgment against the garnishee based on their answer to the writ having
12 been taken, the writ shall be deemed dismissed and the garnishee
13 discharged.

14 (3) This section shall have no effect if the cause of action
15 between plaintiff and defendant is pending on the trial calendar, or if
16 any party files an affidavit that the action is still pending.

--- END ---