
SUBSTITUTE HOUSE BILL 1602

State of Washington 66th Legislature 2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Reeves, Walen, Jenkins, Appleton, Ryu, Morgan, Orwall, Ortiz-Self, Hudgins, and Ormsby)

READ FIRST TIME 02/19/19.

1 AN ACT Relating to consumer debt; and amending RCW 4.56.110,
2 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150.

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

4 **Sec. 1.** RCW 4.56.110 and 2018 c 199 s 201 are each amended to
5 read as follows:

6 Interest on judgments shall accrue as follows:

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

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

15 (3)(a) Judgments founded on the tortious conduct of a "public
16 agency" as defined in RCW 42.30.020 shall bear interest from the date
17 of entry at two percentage points above the equivalent coupon issue
18 yield, as published by the board of governors of the federal reserve
19 system, of the average bill rate for twenty-six week treasury bills
20 as determined at the first bill market auction conducted during the
21 calendar month immediately preceding the date of entry. In any case

1 where a court is directed on review to enter judgment on a verdict or
2 in any case where a judgment entered on a verdict is wholly or partly
3 affirmed on review, interest on the judgment or on that portion of
4 the judgment affirmed shall date back to and shall accrue from the
5 date the verdict was rendered.

6 (b) Except as provided in (a) of this subsection, judgments
7 founded on the tortious conduct of individuals or other entities,
8 whether acting in their personal or representative capacities, shall
9 bear interest from the date of entry at two percentage points above
10 the prime rate, as published by the board of governors of the federal
11 reserve system on the first business day of the calendar month
12 immediately preceding the date of entry. In any case where a court is
13 directed on review to enter judgment on a verdict or in any case
14 where a judgment entered on a verdict is wholly or partly affirmed on
15 review, interest on the judgment or on that portion of the judgment
16 affirmed shall date back to and shall accrue from the date the
17 verdict was rendered.

18 (4) Except as provided under subsection (1) of this section,
19 judgments for unpaid private student loan debt, as defined in RCW
20 6.01.060, shall bear interest from the date of entry at two
21 percentage points above the prime rate, as published by the board of
22 governors of the federal reserve system on the first business day of
23 the calendar month immediately preceding the date of entry.

24 (5) Except as provided under subsection (1) of this section,
25 judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall
26 bear interest from the date of entry at a rate of nine percent.

27 (6) Except as provided under subsections (1) (~~(2), (3), and~~
28 ~~(4)) through (5)~~ of this section, judgments shall bear interest from
29 the date of entry at the maximum rate permitted under RCW 19.52.020
30 on the date of entry thereof. In any case where a court is directed
31 on review to enter judgment on a verdict or in any case where a
32 judgment entered on a verdict is wholly or partly affirmed on review,
33 interest on the judgment or on that portion of the judgment affirmed
34 shall date back to and shall accrue from the date the verdict was
35 rendered. The method for determining an interest rate prescribed by
36 this subsection is also the method for determining the "rate
37 applicable to civil judgments" for purposes of RCW 10.82.090.

38 **Sec. 2.** RCW 6.01.060 and 2018 c 199 s 202 are each amended to
39 read as follows:

1 The definitions in this section apply throughout this title
2 unless the context clearly requires otherwise.

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

5 (2) "Consumer debt" means any obligation or alleged obligation of
6 a consumer to pay money arising out of a transaction in which the
7 money, property, insurance, or services which are the subject of the
8 transaction are primarily for personal, family, or household
9 purposes.

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

19 **Sec. 3.** RCW 6.15.010 and 2018 c 199 s 203 are each amended to
20 read as follows:

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

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

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

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

32 (d) To each individual or, as to community property of spouses
33 maintaining a single household as against a creditor of the
34 community, to the community:

35 (i) The individual's or community's household goods, appliances,
36 furniture, and home and yard equipment, not to exceed six thousand
37 five hundred dollars in value for the individual or thirteen thousand
38 dollars for the community, no single item to exceed seven hundred

1 fifty dollars, said amount to include provisions and fuel for the
2 comfortable maintenance of the individual or community;

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

7 (A) For all debts except private student loan debt and consumer
8 debt, five hundred dollars in value may consist of bank accounts,
9 savings and loan accounts, stocks, bonds, or other securities. The
10 maximum exemption under this subsection (1)(d)(ii)(A) may not exceed
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 (B) For all private student loan debt, two thousand five hundred
15 dollars in value may consist of bank accounts, savings and loan
16 accounts, stocks, bonds, or other securities. The maximum exemption
17 under this subsection (1)(d)(ii)(B) may not exceed two thousand five
18 hundred dollars, regardless of the number of existing separate bank
19 accounts, savings and loan accounts, stocks, bonds, or other
20 securities.

21 (C) For all consumer debt, two thousand dollars in value may
22 consist of bank accounts, savings and loan accounts, stocks, bonds,
23 or other securities. The maximum exemption under this subsection
24 (1)(d)(ii)(C) may not exceed two thousand dollars, regardless of the
25 number of existing separate bank accounts, savings and loan accounts,
26 stocks, bonds, or other securities;

27 (iii) For an individual, a motor vehicle used for personal
28 transportation, not to exceed three thousand two hundred fifty
29 dollars or for a community two motor vehicles used for personal
30 transportation, not to exceed six thousand five hundred dollars in
31 aggregate value;

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

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

36 (vi) To any individual, the right to or proceeds of a payment not
37 to exceed twenty thousand dollars on account of personal bodily
38 injury, not including pain and suffering or compensation for actual
39 pecuniary loss, of the debtor or an individual of whom the debtor is
40 a dependent; or the right to or proceeds of a payment in compensation

1 of loss of future earnings of the debtor or an individual of whom the
2 debtor is or was a dependent, to the extent reasonably necessary for
3 the support of the debtor and any dependent of the debtor. The
4 exemption under this subsection (1)(d)(vi) does not apply to the
5 right of the state of Washington, or any agent or assignee of the
6 state, as a lienholder or subrogee under RCW 43.20B.060.

7 (e) To each qualified individual, one of the following
8 exemptions:

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

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

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

20 (f) Tuition units, under chapter 28B.95 RCW, purchased more than
21 two years prior to the date of a bankruptcy filing or court judgment,
22 and contributions to any other qualified tuition program under 26
23 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and
24 to a Coverdell education savings account, also known as an education
25 individual retirement account, under 26 U.S.C. Sec. 530 of the
26 internal revenue code of 1986, as amended, contributed more than two
27 years prior to the date of a bankruptcy filing or court judgment.

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

32 **Sec. 4.** RCW 6.27.100 and 2018 c 199 s 204 are each amended to
33 read as follows:

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

37 (a) If the writ is issued under an order or judgment for child
38 support, the following statement shall appear conspicuously in the

1 caption: "This garnishment is based on a judgment or order for child
2 support";

3 (b) If the writ is issued under an order or judgment for private
4 student loan debt, the following statement shall appear conspicuously
5 in the caption: "This garnishment is based on a judgment or order for
6 private student loan debt"; (~~and~~)

7 (c) If the writ is issued under an order or judgment for consumer
8 debt, the following statement shall appear conspicuously in the
9 caption: "This garnishment is based on a judgment or order for
10 consumer debt"; and

11 (d) If the writ is issued by an attorney, the writ shall be
12 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

..... ,
Garnishee

THE STATE OF WASHINGTON TO:
Garnishee

AND TO:
Defendant

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

- Balance on Judgment or Amount of Claim \$....
- Interest under Judgment from to \$....
- Per Day Rate of Estimated Interest \$....
per day
- Taxable Costs and Attorneys' Fees \$....
- Estimated Garnishment Costs:

1	Filing and Ex Parte Fees	\$....
2	Service and Affidavit Fees	\$....
3	Postage and Costs of Certified Mail	\$....
4	Answer Fee or Fees	\$....
5	Garnishment Attorney Fee	\$....
6	Other	\$....

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

27 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
28 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
29 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND
30 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU
31 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED
32 THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT
33 PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

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

36 Witness, the Honorable, Judge of the above-
37 entitled Court, and the seal thereof, this day
38 of, (year)

1 [Seal]

2

3 Attorney for Clerk of

4 Plaintiff (or the Court

5 Plaintiff, if no

6 attorney)

7

8 Address By

9

10 Name of Defendant Address"

11

12 Address of Defendant

13 (2) If an attorney issues the writ of garnishment, the final
14 paragraph of the writ, containing the date, and the subscribed
15 attorney and clerk provisions, shall be replaced with text in
16 substantially the following form:

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

21 Dated thisday of....., (year)

22

23 Attorney for Plaintiff

24

25 Address Address of the Clerk of the

26 Court"

27

28 Name of Defendant

29

30 Address of Defendant

31 **Sec. 5.** RCW 6.27.105 and 2018 c 199 s 205 are each amended to
32 read as follows:

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

1 (a) If the writ is issued under an order or judgment for child
2 support, the following statement shall appear conspicuously in the
3 caption: "This garnishment is based on a judgment or order for child
4 support";

5 (b) If the writ is issued under an order or judgment for private
6 student loan debt, the following statement shall appear conspicuously
7 in the caption: "This garnishment is based on a judgment or order for
8 private student loan debt"; (~~and~~)

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

13 (d) If the writ is issued by an attorney, the writ shall be
14 revised as indicated in subsection (2) of this section:

15 "IN THE COURT
16 OF THE STATE OF WASHINGTON IN AND FOR
17 THE COUNTY OF

18
19 Plaintiff, No.
20 vs.
21 WRIT OF
22 Defendant GARNISHMENT FOR
23 CONTINUING LIEN ON
24 EARNINGS
25 Garnishee
26 THE STATE OF WASHINGTON TO:.....
27 Garnishee
28 AND TO:.....
29 Defendant

30 The above-named plaintiff has applied for a writ of
31 garnishment against you, claiming that the above-named
32 defendant is indebted to plaintiff and that the amount to
33 be held to satisfy that indebtedness is \$,
34 consisting of:

35 Balance on Judgment or Amount of Claim \$
36 Interest under Judgment from to \$

1	Per Day Rate of Estimated Interest	\$
2		per day
3	Taxable Costs and Attorneys' Fees	\$
4	Estimated Garnishment Costs:	
5	Filing and Ex Parte Fees	\$
6	Service and Affidavit Fees	\$
7	Postage and Costs of Certified Mail	\$
8	Answer Fee or Fees	\$
9	Garnishment Attorney Fee	\$
10	Other	\$

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

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

35 YOU ARE FURTHER COMMANDED to answer this writ according to the
36 instructions in this writ and in the answer forms and, within twenty
37 days after the service of the writ upon you, to mail or deliver the
38 original of such answer to the court, one copy to the plaintiff or

1 the plaintiff's attorney, and one copy to the defendant, at the
2 addresses listed at the bottom of this writ.

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

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

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

35 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
36 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
37 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND
38 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU
39 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED

1 THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT
2 PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

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

5 Witness, the Honorable, Judge of the above-
6 entitled Court, and the seal thereof, this day
7 of, (year)

8 [Seal]

9

10 Attorney for Clerk of
11 Plaintiff (or the Court
12 Plaintiff, if no
13 attorney)

14

15 Address By

16

17 Name of Defendant Address"

18

19 Address of Defendant

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

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

28 Dated thisday of....., (year)

29

30 Attorney for Plaintiff

31

32 Address Address of the Clerk of the
33 Court"

34

1 Name of Defendant

2

3 Address of Defendant

4 **Sec. 6.** RCW 6.27.140 and 2018 c 199 s 206 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
8 form, printed or typed in no smaller than size twelve point font:

9 NOTICE OF GARNISHMENT
10 AND OF YOUR RIGHTS

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

18 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

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

1 the following: A percent of your disposable earnings, which
2 is eighty percent of the part of your earnings remaining
3 after your employer deducts those amounts which are required
4 by law to be withheld, or thirty-five times the state minimum
5 hourly wage.

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

21 OTHER EXEMPTIONS. If the garnishee holds other property of
22 yours, some or all of it may be exempt under RCW 6.15.010, a
23 Washington statute that exempts certain property of your
24 choice (including up to \$2,500.00 in a bank account if you
25 owe on private student loan debts; up to \$2,000.00 in a bank
26 account if you owe on consumer debts; or up to \$500.00 in a
27 bank account for all other debts) and certain other property
28 such as household furnishings, tools of trade, and a motor
29 vehicle (all limited by differing dollar values).

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

13 No

14 Plaintiff,

15 vs.

16 EXEMPTION CLAIM

17 Defendant,

18 Garnishee Defendant

19 INSTRUCTIONS:

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

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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.
- \$2,000 exemption for consumer 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
.....
.....

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,

1		name of husband/wife/
2		state registered domestic
3		partner
4
5	Your signature	Signature of husband,
6		wife, or state registered
7		domestic partner
8
9
10	Address	Address
11		(if different from yours)
12
13	Telephone number	Telephone number
14		(if different from yours)

15 CAUTION: If the plaintiff objects to your claim, you will have to
 16 go to court and give proof of your claim. For example, if you claim
 17 that a bank account is exempt, you may have to show the judge your
 18 bank statements and papers that show the source of the money you
 19 deposited in the bank. Your claim may be granted more quickly if you
 20 attach copies of such proof to your claim.

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

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

30 [Caption to be filled in by judgment creditor
 31 or plaintiff before mailing.]
 32
 33 Name of Court
 34 No.....
 35 Plaintiff,

vs.

EXEMPTION CLAIM

Defendant,

Garnishee Defendant

INSTRUCTIONS:

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

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

IF 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.

1 IF EARNINGS ARE GARNISHED FOR CONSUMER

2 DEBT:

3 I claim maximum exemption.

4

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

10

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

14

15

16 Address Address
17 (if different from yours)

18

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

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

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

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

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

1 (e) If the writ under (b) of this subsection is not a writ for
2 the collection of consumer debt, the exemption language pertaining to
3 consumer debt may be omitted.

4 **Sec. 7.** RCW 6.27.150 and 2018 c 199 s 207 are each amended to
5 read as follows:

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

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

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

14 (2) In the case of a garnishment based on a judgment or other
15 order for child support or court order for spousal maintenance, other
16 than a mandatory wage assignment order pursuant to chapter 26.18 RCW,
17 or a mandatory assignment of retirement benefits pursuant to chapter
18 41.50 RCW, the exemption shall be fifty percent of the disposable
19 earnings of the defendant.

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

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

26 (b) Eighty-five percent of the disposable earnings of the
27 defendant.

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

32 (a) Thirty-five times the state minimum hourly wage; or

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

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

38 ((+5)) (6) Unless directed otherwise by the court, the garnishee
39 shall determine and deduct exempt amounts under this section as

1 directed in the writ of garnishment and answer, and shall pay these
2 amounts to the defendant.

3 (~~(6)~~) (7) No money due or earned as earnings as defined in RCW
4 6.27.010 shall be exempt from garnishment under the provisions of RCW
5 6.15.010, as now or hereafter amended.

--- **END** ---