

HOUSE BILL REPORT

HB 1525

As Passed House:
February 26, 2021

Title: An act relating to enforcement of judgments.

Brief Description: Concerning enforcement of judgments.

Sponsors: Representatives Walen, Hansen, Simmons and Slatter.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/12/21 [DP].

Floor Activity:

Passed House: 2/26/21, 97-0.

Brief Summary of Bill

- Establishes automatic protection from attachment, execution, and garnishment for certain funds held by financial institutions.
- Requires writs of garnishment to include instructions to financial institutions directing such institutions to comply with the automatic protections.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 17 members: Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno, Davis, Entenman, Goodman, Kirby, Klippert, Orwall, Peterson, Thai, Valdez, Walen and Ybarra.

Staff: John Burzynski (786-7133).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Attachment is a legal process by which a plaintiff may secure the property of a defendant, at the time of commencing a legal action, to secure any judgment the plaintiff may recover.

Execution is a legal process by which a judgment creditor may enforce a judgment requiring payment of money or delivery of property against the judgment debtor.

Garnishment is a legal process by which a judgment creditor may recover funds owed by a judgment debtor by compelling third parties to divert to the creditor certain funds owned by or owed to the debtor (e.g., funds held in the debtor's bank accounts or the debtor's wages held by an employer).

A creditor seeking to garnish a debtor's funds must apply to a court to issue a writ of garnishment. Once issued, the creditor must serve the writ on the third party holding the funds and mail or serve a copy of the writ to the debtor. The third party must comply with the writ.

Washington law entitles debtors to claim certain funds as exempt from attachment, execution, and garnishment depending on the nature of the debt: for private student loan debt, \$2,500 is eligible for exemption; for consumer debt, \$2,000 is eligible for exemption; and for all other debts, \$500 is eligible for exemption. To gain the benefit of an exemption against garnishment, the debtor must proactively file an exemption claim and mail the same to the creditor within 28 days of the date stated on the writ of garnishment. The deadline to file claimed exemptions may be extended by up to 21 days. The creditor may object to claimed exemptions, in which case the court will hold a hearing to determine the validity of the exemptions.

Summary of Bill:

Certain funds held in bank accounts, savings and loan accounts, stocks, bonds, or other securities, are given automatic protection from garnishment, attachment, and execution.

- For private student loan debt: \$1,000 in value is automatically protected.
- For consumer debt: \$1,000 in value is automatically protected.
- For all other debts: \$500 in value is automatically protected.

A writ of garnishment must contain instructions to financial institutions directing them to comply with the above automatic protections and release protected funds to the debtor. The financial institution is directed to only hold funds for the creditor if the debtor's accounts contain value in excess of the automatically protected total.

This act expires July 1, 2025.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support—from testimony on HB 1447, which is identical to HB 1525 except for the title, on February 9, 2021) People need money available to them in their bank accounts during the COVID-19 pandemic. Washington provides certain legal exemptions from garnishment, but few apply for them even if they qualify. People should not have to navigate the legal system to gain the benefit of protections from garnishment. Protection should be automatic. Other states have adopted self-executing protections from garnishment, higher exemption amounts, and bans on garnishment. There is no evidence that stricter repayment requirements make debtors more able to settle their debts. Economic anxiety from debts reduces earning power and productivity, making repayment more difficult.

(Opposed—from testimony on HB 1447, which is identical to HB 1525 except for the title, on February 9, 2021) None.

Persons Testifying: Representative Walen, prime sponsor; Shaun Scott, Statewide Poverty Action Network; and Antonio Ginatta, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: None.