

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1525

Chapter 50, Laws of 2021

67th Legislature
2021 Regular Session

ENFORCEMENT OF JUDGMENTS—GARNISHMENT PROTECTIONS

EFFECTIVE DATE: July 25, 2021

Passed by the House February 26, 2021
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 3, 2021
Yeas 46 Nays 0

DENNY HECK

President of the Senate

Approved April 14, 2021 3:33 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1525** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 15, 2021

**Secretary of State
State of Washington**

HOUSE BILL 1525

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Representatives Walen, Hansen, Simmons, and Slatter

Read first time 02/11/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to enforcement of judgments; amending RCW
2 6.15.010 and 6.27.100; creating a new section; and providing an
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature has previously recognized
6 that garnishees have no responsibility for the situation leading to
7 the garnishment of a debtor's wages, funds, or other property, but
8 that the garnishment process is necessary for the enforcement of
9 obligations. The legislature has further recognized the importance of
10 reducing or offsetting the administrative burden on the garnishee to
11 the extent that that can be accomplished consistent with the goal of
12 effectively enforcing debtors' unpaid obligations. At the same time,
13 debtors must be afforded the exemptions to which they are statutorily
14 entitled and protected from garnishments that violate Washington law.

15 By establishing automatic exemption amounts and specifying when
16 and how much a garnishee bank is required to hold and release, the
17 legislature intends to ease the burden on garnishees while protecting
18 debtors from situations in which the entirety of their bank accounts
19 are frozen before they have any opportunity to assert certain
20 rightful exemptions.

1 **Sec. 2.** RCW 6.15.010 and 2019 c 371 s 3 are each amended to read
2 as follows:

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

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

8 (b) All private libraries including electronic media, which
9 includes audiovisual, entertainment, or reference media in digital or
10 analogue format, of every individual, but not to exceed three
11 thousand five hundred dollars in value, and all family pictures and
12 keepsakes.

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

14 (d) To each individual or, as to community property of spouses
15 maintaining a single household as against a creditor of the
16 community, to the community:

17 (i) The individual's or community's household goods, appliances,
18 furniture, and home and yard equipment, not to exceed six thousand
19 five hundred dollars in value for the individual or thirteen thousand
20 dollars for the community, no single item to exceed seven hundred
21 fifty dollars, said amount to include provisions and fuel for the
22 comfortable maintenance of the individual or community;

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

27 (A) For all debts except private student loan debt and consumer
28 debt, five hundred dollars in value may consist of bank accounts,
29 savings and loan accounts, stocks, bonds, or other securities. The
30 maximum exemption under this subsection (1)(d)(ii)(A) shall be
31 automatically protected and may not exceed five hundred dollars,
32 regardless of the number of existing separate bank accounts, savings
33 and loan accounts, stocks, bonds, or other securities.

34 (B) For all private student loan debt, two thousand five hundred
35 dollars in value may consist of bank accounts, savings and loan
36 accounts, stocks, bonds, or other securities. \$1,000 in value shall
37 be automatically protected. The maximum exemption under this
38 subsection (1)(d)(ii)(B) may not exceed two thousand five hundred
39 dollars, regardless of the number of existing separate bank accounts,
40 savings and loan accounts, stocks, bonds, or other securities.

1 (C) For all consumer debt, two thousand dollars in value may
2 consist of bank accounts, savings and loan accounts, stocks, bonds,
3 or other securities. \$1,000 in value shall be automatically
4 protected. The maximum exemption under this subsection (1)(d)(ii)(C)
5 may not exceed two thousand dollars, regardless of the number of
6 existing separate bank accounts, savings and loan accounts, stocks,
7 bonds, or other securities;

8 (iii) For an individual, a motor vehicle used for personal
9 transportation, not to exceed three thousand two hundred fifty
10 dollars or for a community two motor vehicles used for personal
11 transportation, not to exceed six thousand five hundred dollars in
12 aggregate value;

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

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

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

28 (e) To each qualified individual, one of the following
29 exemptions:

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

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

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

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

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

13 **Sec. 3.** RCW 6.27.100 and 2019 c 371 s 4 are each amended to read
14 as follows:

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

18 (a) If the writ is issued under an order or judgment for child
19 support, the following statement shall appear conspicuously in the
20 caption: "This garnishment is based on a judgment or order for child
21 support";

22 (b) If the writ is issued under an order or judgment for private
23 student loan debt, the following statement shall appear conspicuously
24 in the caption: "This garnishment is based on a judgment or order for
25 private student loan debt";

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

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

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

35 ,
36 Plaintiff, No.
37 vs.
38 , WRIT OF

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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:	
Filing and Ex Parte Fees	\$....
Service and Affidavit Fees	\$....
Postage and Costs of Certified Mail	\$....
Answer Fee or Fees	\$....
Garnishment Attorney Fee	\$....
Other	\$....

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

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty

1 days after the service of the writ upon you, to mail or deliver the
2 original of such answer to the court, one copy to the plaintiff or
3 the plaintiff's attorney, and one copy to the defendant, at the
4 addresses listed at the bottom of this writ.

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

9 FOR ALL DEBTS EXCEPT PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

10 If you are a bank or other institution in which the defendant has
11 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(A)
12 applies and the total of the amounts held in all of the defendant's
13 accounts is less than or equal to \$500, release all funds or property
14 to the defendant and do not hold any amount.

15 If you are a bank or other institution in which the defendant has
16 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(A)
17 applies and the total of the amounts held in all of the defendant's
18 accounts is in excess of \$500, release at least \$500, hold no more
19 than the amount set forth in the first paragraph of this writ and any
20 processing fee if one is charged, and release additional funds or
21 property, if any, to the defendant.

22 FOR PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

23 If you are a bank or other institution in which the defendant has
24 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(B) or
25 (C) applies and the total of the amounts held in all of the
26 defendant's accounts is less than or equal to \$1,000, release all
27 funds or property to the defendant and do not hold any amount.

28 If you are a bank or other institution in which the defendant has
29 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(B) or
30 (C) applies and the total of the amounts held in all of the
31 defendant's accounts is in excess of \$1,000, release at least \$1,000,
32 hold no more than the amount set forth in the first paragraph of this
33 writ and any processing fee if one is charged, and release additional
34 funds or property, if any, to the 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

35 Name of Defendant

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Address of Defendant

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NEW SECTION. **Sec. 4.** This act expires July 1, 2025.

Passed by the House February 26, 2021.

Passed by the Senate April 3, 2021.

Approved by the Governor April 14, 2021.

Filed in Office of Secretary of State April 15, 2021.

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