

HOUSE BILL REPORT

HB 2405

*As Passed House
February 18, 1992*

Title: An act relating to garnishment.

Brief Description: Specifying the amount of wages exempt from garnishment.

Sponsor(s): Representative Appelwick.

Brief History:

Reported by House Committee on:
Judiciary, January 24, 1992, DP;
Passed House, February 18, 1992, 98-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 14 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris,
Assistant Ranking Minority Member; Belcher; Broback; Forner;
Hargrove; Inslee; R. Meyers; H. Myers; Riley; Scott;
D. Sommers; and Wineberry.

Minority Report: *Do not pass.* Signed by 3 members:
Representatives Padden, Ranking Minority Member; Mielke; and
Tate.

Staff: Bill Perry (786-7123).

Background: One of the devices available for the recovery of debts is garnishment of the debtor's earnings. There are limits on how much of a debtor's earnings may be garnished. Under federal law the greater of the first 75 percent of the debtor's wages or 30 times the federal minimum hourly wage is exempt from each week's garnishment of wages. The federal law also allows a state to provide greater exemptions.

Until 1987, Washington law contained an additional possible exemption from garnishment. That exemption was 40 times the state minimum hourly wage. At that time, the exemption of 30 times the federal minimum wage was a greater exemption. In 1987, the state minimum wage exemption was removed as part of a major rewrite of the law on enforcement of judgments. In 1988, however, an initiative measure raised

the state's minimum wage to the point where the previous state minimum wage exemption would have been greater.

The drafters of the 1987 amendments have indicated that it was not their intention to remove a potentially higher exemption.

Summary of Bill: The additional exemption to garnishment of a debtor's earnings that existed prior to 1987 is restored. The exemption of 40 times the state minimum hourly wage is added to the two federally required exemptions.

A debtor's weekly earnings are exempted from garnishment to the extent of the greater of the following: 75 percent of the earnings, 30 times the federal minimum hourly wage, or 40 times the state minimum hourly wage.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The removal of the state minimum wage exemption was not intended to lower the exemption available. This bill merely restores the garnishment law to what it was before 1987.

Testimony Against: None.

Witnesses: Marjorie Rombauer, Creditor/Debtor Section, Washington State Bar Association (in favor); Bruce Neas, Puget Sound Legal Services (in favor); and Kevin Underwood, Washington Collectors Association (no position).