
HOUSE BILL 1687

State of Washington

55th Legislature

1997 Regular Session

By Representatives Sheahan, Delvin, Sheldon, McMorris, L. Thomas, Mielke, Grant, Morris, Benson, D. Schmidt, Alexander, D. Sommers, Johnson, Thompson, Talcott and Boldt

Read first time 02/05/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to wage garnishment; amending RCW 6.27.100,
2 6.27.110, 6.27.200, 6.27.250, 6.27.280, 26.18.100, 26.18.110,
3 26.23.060, 26.23.090, 74.20A.080, 74.20A.100, and 74.20A.240; and
4 creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the employer
7 has no responsibility in the situation leading to wage garnishment of
8 the employee and that the employer is in fact helping the state and
9 other businesses when the wages of employees are garnished. It is not
10 the intent of the legislature to interfere in the employer/employee
11 relationship. The legislature also recognizes that wage garnishment
12 orders create an administrative burden for employers and that the state
13 should do everything in its power to reduce or offset this burden.

14 **Sec. 2.** RCW 6.27.100 and 1988 c 231 s 25 are each amended to read
15 as follows:

16 The writ shall be substantially in the following form: PROVIDED,
17 That if the writ is issued under a court order or judgment for child
18 support, the following statement shall appear conspicuously in the

1 caption: "This garnishment is based on a judgment or court order for
2 child support": AND PROVIDED FURTHER, That if the garnishment is for
3 a continuing lien, the form shall be modified as provided in RCW
4 6.27.340: AND PROVIDED FURTHER, That if the writ is not directed to an
5 employer for the purpose of garnishing a defendant's earnings, the
6 paragraph relating to the earnings exemption may be omitted:

7 "IN THE SUPERIOR COURT
8 OF THE STATE OF WASHINGTON IN AND FOR
9 THE COUNTY OF

10 ,
11 Plaintiff, No.
12 vs.
13 , WRIT OF
14 Defendant GARNISHMENT
15
16 ,
17 Garnishee ((Defendant))

18 THE STATE OF WASHINGTON TO:
19 Garnishee
20 ((Defendant))

21 AND TO:
22 Defendant

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

27	Balance on Judgment or Amount of Claim	\$
28	Interest under Judgment from to	\$
29	Taxable Costs and Attorneys' Fees	\$
30	Estimated Garnishment Costs:	
31	Filing Fee	\$
32	Service and Affidavit Fees	\$
33	Postage and Costs of Certified Mail	\$
34	Answer Fee or Fees	\$
35	Garnishment Attorney Fee	\$

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

10 YOU ARE FURTHER COMMANDED to answer this writ by filling in the
11 attached form according to the instructions in this writ and in the
12 answer forms and, within twenty days after the service of the writ upon
13 you, to mail or deliver the original of such answer to the court, one
14 copy to the plaintiff or the plaintiff's attorney, and one copy to the
15 defendant, in the envelopes provided.

16 If, at the time this writ was served, you owed the defendant any
17 earnings (that is, wages, salary, commission, bonus, or other
18 compensation for personal services or any periodic payments pursuant to
19 a pension or retirement program), the defendant is entitled to receive
20 amounts that are exempt from garnishment under federal and state law.
21 You must pay the exempt amounts to the defendant on the day you would
22 customarily pay the compensation or other periodic payment. As more
23 fully explained in the answer, the basic exempt amount is the greater
24 of seventy-five percent of disposable earnings or a minimum amount
25 determined by reference to the employee's pay period, to be calculated
26 as provided in the answer. However, if this writ carries a statement
27 in the heading that "This garnishment is based on a judgment or court
28 order for child support," the basic exempt amount is forty percent of
29 disposable earnings.

30 If you owe the defendant a debt payable in money in excess of the
31 amount set forth in the first paragraph of this writ, hold only the
32 amount set forth in the first paragraph and release all additional
33 funds or property to defendant.

34 YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL RESULT IN A
35 JUDGMENT BEING ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE
36 PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTERESTS AND
37 COSTS BUT NOT TO EXCEED ONE HUNDRED DOLLARS WHETHER OR NOT YOU OWE
38 ANYTHING TO THE DEFENDANT.

1 Witness, the Honorable, Judge of the Superior
2 Court, and the seal thereof, this day of, 19. . .

3 [Seal]

4
5 Attorney for Clerk of
6 Plaintiff (or Superior
7 Plaintiff, Court
8 if no attorney)
9
10 Address By
11
12 Address

13 **Sec. 3.** RCW 6.27.110 and 1988 c 231 s 26 are each amended to read
14 as follows:

15 (1) Service of the writ of garnishment on the garnishee is invalid
16 unless the writ is served together with: (a) Four answer forms as
17 prescribed in RCW 6.27.190; (b) three stamped envelopes addressed
18 respectively to the clerk of the court issuing the writ, the attorney
19 for the plaintiff (or to the plaintiff if the plaintiff has no
20 attorney), and the defendant; and (c) cash or a check made payable to
21 the garnishee in the amount of (~~ten~~) thirty dollars.

22 (2) Except as provided in RCW 6.27.080 for service on a bank,
23 savings and loan association, or credit union, the writ of garnishment
24 shall be mailed to the garnishee by certified mail, return receipt
25 requested, addressed in the same manner as a summons in a civil action,
26 and will be binding upon the garnishee on the day set forth on the
27 return receipt. In the alternative, the writ shall be served by the
28 sheriff of the county in which the garnishee lives or has its place of
29 business or by any person qualified to serve process in the same manner
30 as a summons in a civil action is served.

31 (3) If a writ of garnishment is served by a sheriff, the sheriff
32 shall file with the clerk of the court that issued the writ a signed
33 return showing the time, place, and manner of service and that the writ
34 was accompanied by answer forms, addressed envelopes, and cash or a
35 check as required by this section, and noting thereon fees for making
36 the service. If service is made by any person other than a sheriff,
37 such person shall file an affidavit including the same information and

1 showing qualifications to make such service. If a writ of garnishment
2 is served by mail, the person making the mailing shall file an
3 affidavit showing the time, place, and manner of mailing and that the
4 writ was accompanied by answer forms, addressed envelopes, and cash or
5 a check as required by this section and shall attach the return receipt
6 to the affidavit.

7 **Sec. 4.** RCW 6.27.200 and 1988 c 231 s 31 are each amended to read
8 as follows:

9 If the garnishee fails to answer the writ within the time
10 prescribed in the writ, after the time to answer the writ has expired
11 and after required returns or affidavits have been filed, showing
12 service on the garnishee and service on or mailing to the defendant, it
13 shall be lawful for the court to render judgment by default against
14 such garnishee, in accordance with rules relating to entry of default
15 judgments, for the full amount claimed by the plaintiff against the
16 defendant not to exceed one hundred dollars for the first offense and
17 not to exceed two hundred fifty dollars for each subsequent offense, or
18 in case the plaintiff has a judgment against the defendant, for the
19 full amount of the plaintiff's unpaid judgment against the defendant
20 with all accruing interest and costs as prescribed in RCW 6.27.090 not
21 to exceed one hundred dollars for the first offense and not to exceed
22 two hundred fifty dollars for each subsequent offense: PROVIDED, That
23 upon motion by the garnishee at any time within seven days following
24 service on, or mailing to, the garnishee ((defendant)) of a copy of a
25 writ of execution or a writ of garnishment under such judgment, the
26 judgment against the garnishee shall be reduced to the amount of any
27 nonexempt funds or property which was actually in the possession of the
28 garnishee at the time the writ was served, plus the cumulative amount
29 of the nonexempt earnings subject to the lien provided for in RCW
30 6.27.350, or the sum of one hundred dollars, whichever is more, but in
31 no event to exceed the full amount claimed by the plaintiff or the
32 amount of the unpaid judgment against the principal defendant plus all
33 accruing interest and costs and attorney's fees as prescribed in RCW
34 6.27.090, and in addition the plaintiff shall be entitled to a
35 reasonable attorney's fee for the plaintiff's response to the
36 garnishee's motion to reduce said judgment against the garnishee under
37 this proviso and the court may allow additional attorney's fees for
38 other actions taken because of the garnishee's failure to answer.

1 **Sec. 5.** RCW 6.27.250 and 1988 c 231 s 32 are each amended to read
2 as follows:

3 (1) If it appears from the answer of the garnishee or if it is
4 otherwise made to appear that the garnishee was indebted to the
5 defendant in any amount, not exempt, when the writ of garnishment was
6 served, and if the required return or affidavit showing service on or
7 mailing to the defendant is on file, the court shall render judgment
8 for the plaintiff against such garnishee for the amount so admitted or
9 found to be due to the defendant from the garnishee, unless such amount
10 exceeds the amount of the plaintiff's claim or judgment against the
11 defendant with accruing interest and costs and attorney's fees as
12 prescribed in RCW 6.27.090, in which case it shall be for the amount of
13 such claim or judgment, with said interest, costs, and fees but in any
14 case not to exceed one hundred dollars.

15 (2) If it shall appear from the answer of the garnishee and the
16 same is not controverted, or if it shall appear from the hearing or
17 trial on controversion or by stipulation of the parties that the
18 garnishee is indebted to the principal defendant in any sum, but that
19 such indebtedness is not matured and is not due and payable, and if the
20 required return or affidavit showing service on or mailing to the
21 defendant is on file, the court shall make an order requiring the
22 garnishee to pay such sum into court when the same becomes due, the
23 date when such payment is to be made to be specified in the order, and
24 in default thereof that judgment shall be entered against the garnishee
25 for the amount of such indebtedness so admitted or found due. In case
26 the garnishee pays the sum at the time specified in the order, the
27 payment shall operate as a discharge, otherwise judgment shall be
28 entered against the garnishee for the amount of such indebtedness,
29 which judgment shall have the same force and effect, and be enforced in
30 the same manner as other judgments entered against garnishees as
31 provided in this chapter but in any case not to exceed one hundred
32 dollars: PROVIDED, That if judgment is rendered in favor of the
33 principal defendant, or if any judgment rendered against the principal
34 defendant is satisfied prior to the date of payment specified in an
35 order of payment entered under this subsection, the garnishee shall not
36 be required to make the payment, nor shall any judgment in such case be
37 entered against the garnishee.

1 amount of the accrued child support or spousal maintenance debt as of
2 this date is dollars, the amount of arrearage payments
3 specified in the support or spousal maintenance order (if applicable)
4 is dollars per , and the amount of the current
5 and continuing support or spousal maintenance obligation under the
6 order is dollars per

7 You are hereby commanded to answer this order by filling in the
8 attached form according to the instructions, and you must mail or
9 deliver the original of the answer to the court, one copy to the
10 Washington state support registry, one copy to the obligee or obligee's
11 attorney, and one copy to the obligor within twenty days after service
12 of this wage assignment order upon you.

13 If you possess any earnings or other remuneration for employment
14 due and owing to the obligor, then you shall do as follows:

15 (1) Withhold from the obligor's earnings or remuneration each
16 month, or from each regular earnings disbursement, the lesser of:

17 (a) The sum of the accrued support or spousal maintenance debt and
18 the current support or spousal maintenance obligation;

19 (b) The sum of the specified arrearage payment amount and the
20 current support or spousal maintenance obligation; or

21 (c) Fifty percent of the disposable earnings or remuneration of the
22 obligor.

23 (2) The total amount withheld above is subject to the wage
24 assignment order, and all other sums may be disbursed to the obligor.

25 (3) Upon receipt of this wage assignment order you shall make
26 immediate deductions from the obligor's earnings or remuneration and
27 remit to the Washington state support registry or other address
28 specified below the proper amounts at each regular pay interval.

29 You shall continue to withhold the ordered amounts from nonexempt
30 earnings or remuneration of the obligor until notified by:

31 (a) The court that the wage assignment has been modified or
32 terminated; or

33 (b) The addressee specified in the wage assignment order under this
34 section that the accrued child support or spousal maintenance debt has
35 been paid.

36 You shall promptly notify the court and the addressee specified in
37 the wage assignment order under this section if and when the employee
38 is no longer employed by you, or if the obligor no longer receives
39 earnings or remuneration from you. If you no longer employ the

1 employee, the wage assignment order shall remain in effect (~~for one~~
2 ~~year after the employee has left your employment or~~) until you are no
3 longer in possession of any earnings or remuneration owed to the
4 employee(~~(, whichever is later. You shall continue to hold the wage~~
5 ~~assignment order during that period. If the employee returns to your~~
6 ~~employment during the one year period you shall immediately begin to~~
7 ~~withhold the employee's earnings according to the terms of the wage~~
8 ~~assignment order. If the employee has not returned to your employment~~
9 ~~within one year, the wage assignment will cease to have effect at the~~
10 ~~expiration of the one year period, unless you still owe the employee~~
11 ~~earnings or other remuneration))~~).

12 You shall deliver the withheld earnings or remuneration to the
13 Washington state support registry or other address stated below at each
14 regular pay interval.

15 You shall deliver a copy of this order to the obligor as soon as is
16 reasonably possible. This wage assignment order has priority over any
17 other wage assignment or garnishment, except for another wage
18 assignment or garnishment for child support or spousal maintenance, or
19 order to withhold or deliver under chapter 74.20A RCW. The obligor
20 will notify the obligors of other wage assignments or garnishments of
21 the new priority wage assignment order.

22 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
23 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED
24 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE IN AN AMOUNT
25 NOT TO EXCEED ONE HUNDRED DOLLARS OR SUBJECT TO CONTEMPT OF
26 COURT.

27 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
28 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
29 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

30 DATED THIS day of, 19. . .

31
32 Obligee, Judge/Court Commissioner
33 or obligee's attorney

34 Send withheld payments to:
35
36
37

1 **Sec. 8.** RCW 26.18.110 and 1994 c 230 s 5 are each amended to read
2 as follows:

3 (1) An employer upon whom service of a wage assignment order has
4 been made shall answer the order by sworn affidavit within twenty days
5 after the date of service. The answer shall state whether the obligor
6 is employed by or receives earnings or other remuneration from the
7 employer, whether the employer will honor the wage assignment order,
8 and whether there are either multiple child support or spousal
9 maintenance attachments, or both, against the obligor.

10 (2) If the employer possesses any earnings or remuneration due and
11 owing to the obligor, the earnings subject to the wage assignment order
12 shall be withheld immediately upon receipt of the wage assignment
13 order. The withheld earnings shall be delivered to the Washington
14 state support registry or, if the wage assignment order is to satisfy
15 a duty of spousal maintenance, to the addressee specified in the
16 assignment at each regular pay interval.

17 (3) The employer shall continue to withhold the ordered amounts
18 from nonexempt earnings or remuneration of the obligor until notified
19 by:

20 (a) The court that the wage assignment has been modified or
21 terminated; or

22 (b) The Washington state support registry or obligee that the
23 accrued child support or spousal maintenance debt has been paid,
24 provided the wage assignment order contains the language set forth
25 under RCW 26.18.100(3)(b). The employer shall promptly notify the
26 addressee specified in the assignment when the employee is no longer
27 employed. If the employer no longer employs the employee, the wage
28 assignment order shall remain in effect ~~((for one year after the~~
29 ~~employee has left the employment or))~~ until the employer ~~((has been in~~
30 ~~possession of))~~ no longer possesses any earnings or remuneration owed
31 to the employee~~((, whichever is later. The employer shall continue to~~
32 ~~hold the wage assignment order during that period. If the employee~~
33 ~~returns to the employer's employment during the one year period the~~
34 ~~employer shall immediately begin to withhold the employee's earnings or~~
35 ~~remuneration according to the terms of the wage assignment order. If~~
36 ~~the employee has not returned within one year, the wage assignment~~
37 ~~shall cease to have effect at the expiration of the one year period,~~
38 ~~unless the employer continues to owe remuneration for employment to the~~
39 ~~obligor)).~~

1 (4) The employer may deduct a processing fee from the remainder of
2 the employee's earnings after withholding under the wage assignment
3 order, even if the remainder is exempt under RCW 26.18.090. The
4 processing fee may not exceed (a) (~~ten~~) thirty dollars for the first
5 disbursement made by the employer to the Washington state support
6 registry; and (b) (~~one~~) five dollars for each subsequent disbursement
7 to the clerk.

8 (5) An order for wage assignment for support for a dependent child
9 entered under this chapter shall have priority over any other wage
10 assignment or garnishment, except for another wage assignment or
11 garnishment for child support, or order to withhold and deliver under
12 chapter 74.20A RCW. An order for wage assignment for spousal
13 maintenance entered under this chapter shall have priority over any
14 other wage assignment or garnishment, except for a wage assignment,
15 garnishment, or order to withhold and deliver under chapter 74.20A RCW
16 for support of a dependent child, and except for another wage
17 assignment or garnishment for spousal maintenance.

18 (6) An employer who fails to withhold earnings as required by a
19 wage assignment issued under this chapter may be held liable to the
20 obligee for one hundred percent of the support or spousal maintenance
21 debt, or the amount of support or spousal maintenance moneys that
22 should have been withheld from the employee's earnings whichever is the
23 lesser amount, but in any case not to exceed one hundred dollars, if
24 the employer:

25 (a) Fails or refuses, after being served with a wage assignment
26 order, to deduct and promptly remit from the unpaid earnings the
27 amounts of money required in the order;

28 (b) Fails or refuses to submit an answer to the notice of wage
29 assignment after being served; or

30 (c) Is unwilling to comply with the other requirements of this
31 section.

32 Liability may be established in superior court. Awards in superior
33 court shall include costs, interest under RCW 19.52.020 and 4.56.110,
34 and reasonable attorneys' fees.

35 (7) No employer who complies with a wage assignment issued under
36 this chapter may be liable to the employee for wrongful withholding.

37 (8) No employer may discharge, discipline, or refuse to hire an
38 employee because of the entry or service of a wage assignment issued
39 and executed under this chapter. If an employer discharges,

1 disciplines, or refuses to hire an employee in violation of this
2 section, the employee or person shall have a cause of action against
3 the employer. The employer shall be liable for double the amount of
4 damages suffered as a result of the violation and for costs and
5 reasonable attorneys' fees, and shall be subject to a civil penalty of
6 not more than two thousand five hundred dollars for each violation.
7 The employer may also be ordered to hire, rehire, or reinstate the
8 aggrieved individual.

9 (9) For wage assignments payable to the Washington state support
10 registry, an employer may combine amounts withheld from various
11 employees into a single payment to the Washington state support
12 registry, if the payment includes a listing of the amounts attributable
13 to each employee and other information as required by the registry.

14 (10) An employer shall deliver a copy of the wage assignment order
15 to the obligor as soon as is reasonably possible.

16 **Sec. 9.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to read
17 as follows:

18 (1) The office of support enforcement may issue a notice of payroll
19 deduction:

20 (a) As authorized by a support order that contains the income
21 withholding notice provisions in RCW 26.23.050 or a substantially
22 similar notice; or

23 (b) After service of a notice containing an income withholding
24 provision under this chapter or chapter 74.20A RCW.

25 (2) The office of support enforcement shall serve a notice of
26 payroll deduction upon a responsible parent's employer or upon the
27 employment security department for the state in possession of or owing
28 any benefits from the unemployment compensation fund to the responsible
29 parent pursuant to Title 50 RCW by personal service or by any form of
30 mail requiring a return receipt.

31 (3) Service of a notice of payroll deduction upon an employer or
32 employment security department requires the employer or employment
33 security department to immediately make a mandatory payroll deduction
34 from the responsible parent's unpaid disposable earnings or
35 unemployment compensation benefits. The employer or employment
36 security department shall thereafter deduct each pay period the amount
37 stated in the notice divided by the number of pay periods per month.

1 The payroll deduction each pay period shall not exceed fifty percent of
2 the responsible parent's disposable earnings.

3 (4) A notice of payroll deduction for support shall have priority
4 over any wage assignment, garnishment, attachment, or other legal
5 process.

6 (5) The notice of payroll deduction shall be in writing and
7 include:

8 (a) The name and social security number of the responsible parent;

9 (b) The amount to be deducted from the responsible parent's
10 disposable earnings each month, or alternate amounts and frequencies as
11 may be necessary to facilitate processing of the payroll deduction;

12 (c) A statement that the total amount withheld shall not exceed
13 fifty percent of the responsible parent's disposable earnings; and

14 (d) The address to which the payments are to be mailed or
15 delivered.

16 (6) An informational copy of the notice of payroll deduction shall
17 be mailed to the last known address of the responsible parent by
18 regular mail.

19 (7) An employer or employment security department that receives a
20 notice of payroll deduction shall make immediate deductions from the
21 responsible parent's unpaid disposable earnings and remit proper
22 amounts to the Washington state support registry (~~on each date the~~
23 ~~responsible parent is due to be paid~~) within ten days after the notice
24 is received. The office of support enforcement will make electronic
25 deposit available for employers and the employment security department.

26 (8) An employer, or the employment security department, upon whom
27 a notice of payroll deduction is served, shall make an answer to the
28 office of support enforcement within twenty days after the date of
29 service. The answer shall confirm compliance and institution of the
30 payroll deduction or explain the circumstances if no payroll deduction
31 is in effect. The answer shall also state whether the responsible
32 parent is employed by or receives earnings from the employer or
33 receives unemployment compensation benefits from the employment
34 security department, whether the employer or employment security
35 department anticipates paying earnings or unemployment compensation
36 benefits and the amount of earnings. If the responsible parent is no
37 longer employed, or receiving earnings from the employer, the answer
38 shall state the present employer's name and address, if known. If the
39 responsible parent is no longer receiving unemployment compensation

1 benefits from the employment security department, the answer shall
2 state the present employer's name and address, if known.

3 (9) The employer or employment security department may deduct a
4 processing fee from the remainder of the responsible parent's earnings
5 after withholding under the notice of payroll deduction, even if the
6 remainder is exempt under RCW 26.18.090. The processing fee may not
7 exceed: (a) ~~((Ten))~~ Thirty dollars for the first disbursement made to
8 the Washington state support registry; and (b) ~~((one))~~ five dollars for
9 each subsequent disbursement to the registry.

10 (10) The notice of payroll deduction shall remain in effect until
11 released by the office of support enforcement, the court enters an
12 order terminating the notice and approving an alternate arrangement
13 under RCW 26.23.050(2), or one year has expired since the employer has
14 employed the responsible parent or has been in possession of or owing
15 any earnings to the responsible parent or the employment security
16 department has been in possession of or owing any unemployment
17 compensation benefits to the responsible parent.

18 **Sec. 10.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to read
19 as follows:

20 (1) The employer ~~((shall be liable to the Washington state support
21 registry for one hundred percent of the amount of the support debt, or
22 the amount of support moneys which should have been withheld from the
23 employee's earnings, whichever is the lesser amount,))~~ is subject to a
24 penalty of no more than one hundred dollars for the first offense and
25 two hundred fifty dollars for each subsequent offense, if the employer:

26 (a) Fails or refuses, after being served with a notice of payroll
27 deduction, to deduct and promptly remit from unpaid earnings the
28 amounts of money required in the notice;

29 (b) Fails or refuses to submit an answer to the notice of payroll
30 deduction after being served; or

31 (c) Is unwilling to comply with the other requirements of RCW
32 26.23.060.

33 (2) Liability may be established in superior court or may be
34 established pursuant to RCW 74.20A.270. Awards in superior court and
35 in actions pursuant to RCW 74.20A.270 shall include costs, interest
36 under RCW 19.52.020 and 4.56.110, and reasonable attorney fees and
37 staff costs as a part of the award. Debts established pursuant to this

1 section may be collected pursuant to chapter 74.20A RCW utilizing any
2 of the remedies contained in that chapter.

3 **Sec. 11.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
4 read as follows:

5 (1) The secretary may issue to any person, firm, corporation,
6 association, political subdivision, department of the state, or agency,
7 subdivision, or instrumentality of the United States, an order to
8 withhold and deliver property of any kind, including but not restricted
9 to earnings which are or might become due, owing, or belonging to the
10 debtor, when the secretary has reason to believe that there is in the
11 possession of such person, firm, corporation, association, political
12 subdivision, department of the state, or agency, subdivision, or
13 instrumentality of the United States property which is or might become
14 due, owing, or belonging to said debtor. Such order to withhold and
15 deliver may be issued:

16 (a) When a support payment is past due, if a responsible parent's
17 support order:

18 (i) Contains language directing the parent to make support payments
19 to the Washington state support registry; and

20 (ii) Includes a statement that other income-withholding action
21 under this chapter may be taken without further notice to the
22 responsible parent, as provided for in RCW 26.23.050(1);

23 (b) Twenty-one days after service of a notice of support debt under
24 RCW 74.20A.040;

25 (c) Twenty-one days after service of a notice and finding of
26 parental responsibility under RCW 74.20A.056;

27 (d) Twenty-one days after service of a notice of support owed under
28 RCW 26.23.110;

29 (e) Twenty-one days after service of a notice and finding of
30 financial responsibility under RCW 74.20A.055; or

31 (f) When appropriate under RCW 74.20A.270.

32 (2) The order to withhold and deliver shall:

33 (a) State the amount of the support debt accrued;

34 (b) State in summary the terms of RCW 74.20A.090 and 74.20A.100;

35 (c) Be served in the manner prescribed for the service of a summons
36 in a civil action or by certified mail, return receipt requested.

37 (3) Any person, firm, corporation, association, political
38 subdivision, department of the state, or agency, subdivision, or

1 instrumentality of the United States upon whom service has been made is
2 hereby required to:

3 (a) Answer said order to withhold and deliver within twenty days,
4 exclusive of the day of service, under oath and in writing, and shall
5 make true answers to the matters inquired of therein; and

6 (b) Provide further and additional answers when requested by the
7 secretary.

8 (4) Any such person, firm, corporation, association, political
9 subdivision, department of the state, or agency, subdivision, or
10 instrumentality of the United States in possession of any property
11 which may be subject to the claim of the department of social and
12 health services shall:

13 (a)(i) Immediately withhold such property upon receipt of the order
14 to withhold and deliver; and

15 (ii) Deliver the property to the secretary as soon as the twenty-
16 day answer period expires;

17 (iii) Continue to withhold earnings payable to the debtor at each
18 succeeding disbursement interval as provided for in RCW 74.20A.090, and
19 deliver amounts withheld from earnings to the secretary on the date
20 earnings are payable to the debtor;

21 (iv) Inform the secretary of the date the amounts were withheld as
22 requested under this section; or

23 (b) Furnish to the secretary a good and sufficient bond,
24 satisfactory to the secretary, conditioned upon final determination of
25 liability.

26 (5) An order to withhold and deliver served under this section
27 shall not expire until:

28 (a) Released in writing by the office of support enforcement;

29 (b) Terminated by court order; or

30 (c) The person or entity receiving the order to withhold and
31 deliver does not possess property of or owe money to the debtor for any
32 period of twelve consecutive months following the date of service of
33 the order to withhold and deliver.

34 (6) Where money is due and owing under any contract of employment,
35 express or implied, or is held by any person, firm, corporation, or
36 association, political subdivision, or department of the state, or
37 agency, subdivision, or instrumentality of the United States subject to
38 withdrawal by the debtor, such money shall be delivered by remittance
39 payable to the order of the secretary.

1 (7) Delivery to the secretary of the money or other property held
2 or claimed shall satisfy the requirement and serve as full acquittance
3 of the order to withhold and deliver.

4 (8) A person, firm, corporation, or association, political
5 subdivision, department of the state, or agency, subdivision, or
6 instrumentality of the United States that complies with the order to
7 withhold and deliver under this chapter is not civilly liable to the
8 debtor for complying with the order to withhold and deliver under this
9 chapter.

10 (9) The secretary may hold the money or property delivered under
11 this section in trust for application on the indebtedness involved or
12 for return, without interest, in accordance with final determination of
13 liability or nonliability.

14 (10) Exemptions contained in RCW 74.20A.090 apply to orders to
15 withhold and deliver issued under this section.

16 (11) The secretary shall also, on or before the date of service of
17 the order to withhold and deliver, mail or cause to be mailed a copy of
18 the order to withhold and deliver to the debtor at the debtor's last
19 known post office address, or, in the alternative, a copy of the order
20 to withhold and deliver shall be served on the debtor in the same
21 manner as a summons in a civil action on or before the date of service
22 of the order or within two days thereafter. The copy of the order
23 shall be mailed or served together with a concise explanation of the
24 right to petition for judicial review. This requirement is not
25 jurisdictional, but, if the copy is not mailed or served as in this
26 section provided, or if any irregularity appears with respect to the
27 mailing or service, the superior court, in its discretion on motion of
28 the debtor promptly made and supported by affidavit showing that the
29 debtor has suffered substantial injury due to the failure to mail the
30 copy, may set aside the order to withhold and deliver and award to the
31 debtor an amount equal to the damages resulting from the secretary's
32 failure to serve on or mail to the debtor the copy.

33 (12) An order to withhold and deliver issued in accordance with
34 this section has priority over any other wage assignment, garnishment,
35 attachment, or other legal process, except for another wage assignment,
36 garnishment, attachment, or other legal process for child support.

37 (13) The office of support enforcement shall notify any person,
38 firm, corporation, association, or political subdivision, department of
39 the state, or agency, subdivision, or instrumentality of the United

1 States required to withhold and deliver the earnings of a debtor under
2 this action that they may deduct a processing fee from the remainder of
3 the debtor's earnings, even if the remainder would otherwise be exempt
4 under RCW 74.20A.090. The processing fee shall not exceed ((ten))
5 thirty dollars for the first disbursement to the department and ((one))
6 five dollars for each subsequent disbursement under the order to
7 withhold and deliver.

8 **Sec. 12.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
9 read as follows:

10 (1) Any person, firm, corporation, association, political
11 subdivision, or department of the state ((shall be liable to the
12 department in an amount equal to one hundred percent of the value of
13 the debt which is the basis of the lien, order to withhold and deliver,
14 distraint, or assignment of earnings, or the amount that should have
15 been withheld, whichever amount is less, together with costs, interest,
16 and reasonable attorney fees)) is subject to a penalty of one hundred
17 dollars for the first offense and two hundred fifty dollars for each
18 subsequent offense, if that person or entity:

19 (a) Fails to answer an order to withhold and deliver within the
20 time prescribed herein;

21 (b) Fails or refuses to deliver property pursuant to said order;

22 (c) After actual notice of filing of a support lien, pays over,
23 releases, sells, transfers, or conveys real or personal property
24 subject to a support lien to or for the benefit of the debtor or any
25 other person;

26 (d) Fails or refuses to surrender property distrained under RCW
27 74.20A.130 upon demand; or

28 (e) Fails or refuses to honor an assignment of earnings presented
29 by the secretary.

30 (2) The secretary is authorized to issue a notice of debt pursuant
31 to RCW 74.20A.040 and to take appropriate action to collect the debt
32 under this chapter if:

33 (a) A judgment has been entered as the result of an action in
34 superior court against a person, firm, corporation, association,
35 political subdivision, or department of the state based on a violation
36 of this section; or

37 (b) Liability has been established under RCW 74.20A.270.

1 **Sec. 13.** RCW 74.20A.240 and 1994 c 230 s 21 are each amended to
2 read as follows:

3 Any person, firm, corporation, association, political subdivision,
4 department of the state, or agency, subdivision, or instrumentality of
5 the United States employing a person owing a support debt or
6 obligation, shall honor, according to its terms, a duly executed
7 assignment of earnings presented by the secretary as a plan to satisfy
8 or retire a support debt or obligation. This requirement to honor the
9 assignment of earnings and the assignment of earnings itself shall be
10 applicable whether said earnings are to be paid presently or in the
11 future and shall continue in force and effect until released in writing
12 by the secretary. Payment of moneys pursuant to an assignment of
13 earnings presented by the secretary shall serve as full acquittance
14 under any contract of employment. A person, firm, corporation,
15 association, political subdivision, department of the state, or agency,
16 subdivision, or instrumentality of the United States that complies with
17 the assignment of earnings under this chapter is not civilly liable to
18 the debtor for complying with the assignment of earnings under this
19 chapter. The secretary shall be released from liability for improper
20 receipt of moneys under an assignment of earnings upon return of any
21 moneys so received.

22 An assignment of earnings presented by the secretary in accordance
23 with this section has priority over any other wage assignment,
24 garnishment, attachment, or other legal process except for another wage
25 assignment, garnishment, attachment, or other legal process for support
26 moneys.

27 The employer may deduct a processing fee from the remainder of the
28 debtor's earnings, even if the remainder would be exempt under RCW
29 74.20A.090. The processing fee shall not exceed (~~(ten)~~) thirty dollars
30 from the first disbursement to the department and (~~(one)~~) five dollars
31 for each subsequent disbursement under the assignment of earnings.

32 NEW SECTION. **Sec. 14.** The collection agency division of the
33 department of licensing shall work with collection agency
34 representatives and the attorney general's office in establishing a
35 standard form to be used for wage garnishment orders to reduce
36 paperwork and confusion for small businesses. The form must be a self-
37 duplicating form so that additional copies do not need to be sent and
38 employers do not need to fill out information on more than one form.

1 NEW SECTION. **Sec. 15.** (1) A joint task force is created to study
2 the reorganization of employment reporting requirements so that the
3 office of support enforcement receives employment information from
4 state agencies such as the employment security department rather than
5 from employers, who have already filed such information with state
6 agencies. The task force shall develop a form for employers that
7 collects all information required by the state for all employee
8 reporting.

9 (2) The task force shall consist of members appointed by each of
10 the following entities: Office of support enforcement; employment
11 security department; department of labor and industries; department of
12 revenue; and three members appointed by business organizations
13 representing a variety of industries state-wide.

14 (3) The task force shall report to the relevant committees of the
15 legislature by February 1, 1998.

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