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HOUSE BILL 2026

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State of Washington

55th Legislature

1997 Regular Session

By Representative Boldt

Read first time 02/18/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to overpayment of wage assignment; and amending RCW  
2 26.18.090.

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

4 **Sec. 1.** RCW 26.18.090 and 1993 c 426 s 7 are each amended to read  
5 as follows:

6 (1) The wage assignment order in RCW 26.18.080 shall include:

7 (a) The maximum amount of current support or spousal maintenance,  
8 if any, to be withheld from the obligor's earnings each month, or from  
9 each earnings disbursement; and

10 (b) The total amount of the arrearage or reimbursement judgment  
11 previously entered by the court, if any, together with interest, if  
12 any.

13 (2)(a) The total amount to be withheld from the obligor's earnings  
14 each month, or from each earnings disbursement, shall not exceed fifty  
15 percent of the disposable earnings of the obligor. If the amounts to  
16 be paid toward the arrearage are specified in the support or spousal  
17 maintenance order, then the maximum amount to be withheld is the sum  
18 of: Either the current support or spousal maintenance ordered, or

1 both; and the amount ordered to be paid toward the arrearage, or fifty  
2 percent of the disposable earnings of the obligor, whichever is less.

3 (b) In the event the total amount withheld for any month exceeds  
4 the amount allowed in (a) of this subsection, the person or agency  
5 receiving the overpayment must reimburse the obligor the full amount of  
6 the overpayment after the obligor submits sufficient documentation  
7 verifying the existence and amount of the overpayment. If the  
8 existence of an overpayment, the amount of the overpayment, or the  
9 documentation is disputed, either party may file an application for an  
10 adjudicative hearing with the department. Reimbursement is not  
11 required if the obligor notifies the person or department receiving the  
12 overpayment that the overpayment may be applied as payment towards any  
13 arrearages or future support obligations.

14 (3) The provisions of RCW 6.27.150 do not apply to wage assignments  
15 for child support or spousal maintenance authorized under this chapter,  
16 but fifty percent of the disposable earnings of the obligor are exempt,  
17 and may be disbursed to the obligor.

18 (4) If an obligor is subject to two or more attachments for child  
19 support on account of different obligees, the employer shall, if the  
20 nonexempt portion of the obligor's earnings is not sufficient to  
21 respond fully to all the attachments, apportion the obligor's nonexempt  
22 disposable earnings between or among the various obligees equally. Any  
23 obligee may seek a court order reapportioning the obligor's nonexempt  
24 disposable earnings upon notice to all interested obligees. Notice  
25 shall be by personal service, or in the manner provided by the civil  
26 rules of superior court or applicable statute.

27 (5) If an obligor is subject to two or more attachments for spousal  
28 maintenance on account of different obligees, the employer shall, if  
29 the nonexempt portion of the obligor's earnings is not sufficient to  
30 respond fully to all the attachments, apportion the obligor's nonexempt  
31 disposable earnings between or among the various obligees equally. An  
32 obligee may seek a court order reapportioning the obligor's nonexempt  
33 disposable earnings upon notice to all interested obligees. Notice  
34 shall be by personal service, or in the manner provided by the civil  
35 rules of superior court or applicable statute.

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