

CERTIFICATION OF ENROLLMENT

SENATE BILL 6266

57th Legislature
2002 Regular Session

Passed by the Senate February 11, 2002
YEAS 48 NAYS 1

President of the Senate

Passed by the House March 7, 2002
YEAS 93 NAYS 0

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6266** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

Secretary of State
State of Washington

SENATE BILL 6266

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Senators Johnson and Kline

Read first time 01/14/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to updating creditor/debtor personal property
2 exemptions; and amending RCW 6.15.010, 6.15.050, and 6.27.160.

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

4 **Sec. 1.** RCW 6.15.010 and 1991 c 112 s 1 are each amended to read
5 as follows:

6 Except as provided in RCW 6.15.050, the following personal property
7 shall be exempt from execution, attachment, and garnishment:

8 (1) All wearing apparel of every individual and family, but not to
9 exceed one thousand dollars in value in furs, jewelry, and personal
10 ornaments for any individual.

11 (2) All private libraries of every individual, but not to exceed
12 fifteen hundred dollars in value, and all family pictures and
13 keepsakes.

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

17 (a) The individual's or community's household goods, appliances,
18 furniture, and home and yard equipment, not to exceed two thousand
19 seven hundred dollars in value for the individual or five thousand four

1 hundred dollars for the community, said amount to include provisions
2 and fuel for the comfortable maintenance of the individual or
3 community;

4 (b) Other personal property, except personal earnings as provided
5 under RCW 6.15.050(1), not to exceed ~~((one))~~ two thousand dollars in
6 value, of which not more than ~~((one))~~ two hundred dollars in value may
7 consist of cash, and of which not more than ~~((one))~~ two hundred dollars
8 in value may consist of bank accounts, savings and loan accounts,
9 stocks, bonds, or other securities; ~~((and))~~

10 (c) ~~((Two))~~ For an individual, a motor ~~((vehicles))~~ vehicle used
11 for personal transportation, not to exceed two thousand five hundred
12 dollars ~~((in aggregate value))~~ or for a community two motor vehicles
13 used for personal transportation, not to exceed five thousand dollars
14 in aggregate value;

15 (d) Any past due, current, or future child support paid or owed to
16 the debtor, which can be traced;

17 (e) All professionally prescribed health aids for the debtor or a
18 dependent of the debtor; and

19 (f) To any individual, the right to or proceeds of a payment not to
20 exceed sixteen thousand one hundred fifty dollars on account of
21 personal bodily injury, not including pain and suffering or
22 compensation for actual pecuniary loss, of the debtor or an individual
23 of whom the debtor is a dependent; or the right to or proceeds of a
24 payment in compensation of loss of future earnings of the debtor or an
25 individual of whom the debtor is or was a dependent, to the extent
26 reasonably necessary for the support of the debtor and any dependent of
27 the debtor. The exemption under this subsection (3)(f) does not apply
28 to the right of the state of Washington, or any agent or assignee of
29 the state, as a lienholder or subrogee under RCW 43.20B.060.

30 (4) To each qualified individual, one of the following exemptions:

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

34 (b) To a physician, surgeon, attorney, clergyman, or other
35 professional person, the individual's library, office furniture, office
36 equipment and supplies, not to exceed five thousand dollars in value;

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

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

5 **Sec. 2.** RCW 6.15.050 and 1987 c 442 s 305 are each amended to read
6 as follows:

7 (1) Wages, salary, or other compensation regularly paid for
8 personal services rendered by the debtor claiming the exemption shall
9 not be claimed as exempt under RCW 6.15.010, but the same may be
10 claimed as exempt in any bankruptcy or insolvency proceeding to the
11 same extent as allowed under the statutes relating to garnishments.

12 (2) No property may be exempt under RCW 6.15.010 from execution,
13 attachment, or garnishment issued upon a judgment for all or any part
14 of the purchase price of the property.

15 (3) No property may be exempt under RCW 6.15.010 from legal process
16 issued upon a judgment for restitution ordered by a court to be paid
17 for the benefit of a victim of a criminal act.

18 (4) No property may be exempt under RCW 6.15.010 from legal process
19 issued upon a judgment for any tax levied upon such property.

20 ~~((+4))~~ (5) Nothing in this chapter shall be so construed as to
21 prevent a debtor from creating a security interest in personal property
22 which might be claimed as exempt, or the enforcement of such security
23 interest against the property.

24 ~~((+5))~~ (6) Nothing in this chapter shall be construed to exempt
25 personal property of a nonresident of this state or of an individual
26 who has left or is about to leave this state with the intention to
27 defraud his or her creditors.

28 ~~((+6))~~ (7) Personal property exemptions are waived by failure to
29 claim them prior to sale of exemptible property under execution or, in
30 a garnishment proceeding, within the time specified in RCW 6.27.160.

31 ~~((+7))~~ (8) Personal property exemptions may not be claimed by one
32 spouse in a bankruptcy case that is not a joint case or a joint
33 administration of the estate with the bankruptcy estate of the other
34 spouse where (a) bankruptcy is filed by both spouses within a six-month
35 period, and (b) one spouse exempts property from property of the estate
36 under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d).

37 (9) No property may be exempt under RCW 6.15.010 from execution,
38 levy, attachment, or garnishment issued by or on behalf of a child

1 support agency operating under Title IV-D of the federal social
2 security act or by or on behalf of any agent or assignee of the child
3 support agency.

4 **Sec. 3.** RCW 6.27.160 and 1988 c 231 s 28 are each amended to read
5 as follows:

6 (1) A defendant may claim exemptions from garnishment in the manner
7 specified by the statute that creates the exemption or by delivering to
8 or mailing by first class mail to the clerk of the court out of which
9 the writ was issued a declaration in substantially the following form
10 or in the form set forth in RCW 6.27.140 and mailing a copy of the form
11 by first class mail to the plaintiff or plaintiff's attorney at the
12 address shown on the writ of garnishment, all not later than twenty-
13 eight days after the date stated on the writ except that the time shall
14 be extended to allow a declaration mailed or delivered to the clerk
15 within twenty-one days after service of the writ on the garnishee if
16 service on the garnishee is delayed more than seven days after the date
17 of the writ.

18 [NAME OF COURT]

19 No.

20 Plaintiff

21

22 Defendant

23 CLAIM OF EXEMPTION

24

25 Garnishee

26 I/We claim the following described property or money as exempt from
27 execution:

28

29

30

31 I/We believe the property is exempt because:

32

33

34

1	. . . . .	. . . . .
2	Print name	Print name of spouse,
3		if married
4		
5	. . . . .	. . . . .
6	Signature	Signature
7		
8	. . . . .	. . . . .
9	Address	Address
10		
11	. . . . .	. . . . .
12	. . . . .	. . . . .
13	Telephone number	Telephone number
14		
15	. . . . .	. . . . .

16 (2) A plaintiff who wishes to object to an exemption claim must,
17 not later than seven days after receipt of the claim, cause to be
18 delivered or mailed to the defendant by first class mail, to the
19 address shown on the exemption claim, a declaration by self, attorney,
20 or agent, alleging the facts on which the objection is based, together
21 with notice of date, time, and place of a hearing on the objection,
22 which hearing the plaintiff must cause to be noted for a hearing date
23 not later than fourteen days after the receipt of the claim. After a
24 hearing on an objection to an exemption claim, the court shall award
25 costs to the prevailing party and may also award an attorney's fee to
26 the prevailing party if the court concludes that the exemption claim or
27 the objection to the claim was not made in good faith. The defendant
28 bears the burden of proving any claimed exemption, including the
29 obligation to provide sufficient documentation to identify the source
30 and amount of any claimed exempt funds.

31 (3) If the plaintiff elects not to object to the claim of
32 exemption, the plaintiff shall, not later than ten days after receipt
33 of the claim, obtain from the court and deliver to the garnishee an
34 order directing the garnishee to release such part of the debt,
35 property, or effects as is covered by the exemption claim. If the
36 plaintiff fails to obtain and deliver the order as required or
37 otherwise to effect release of the exempt funds or property, the
38 defendant shall be entitled to recover fifty dollars from the

1 plaintiff, in addition to actual damages suffered by the defendant from
2 the failure to release the exempt property.

--- END ---