

SHB 1552 - S COMM AMD
By Committee on Judiciary

ADOPTED 03/01/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 6.27.010 and 2003 c 222 s 16 are each amended to read
4 as follows:

5 (1) As used in this chapter, the term "earnings" means compensation
6 paid or payable to an individual for personal services, whether
7 denominated as wages, salary, commission, bonus, or otherwise, and
8 includes periodic payments pursuant to a governmental or
9 nongovernmental pension or retirement program.

10 (2) As used in this chapter, the term "disposable earnings" means
11 that part of earnings remaining after the deduction from those earnings
12 of any amounts required by law to be withheld.

13 **Sec. 2.** RCW 6.27.090 and 2000 c 72 s 2 are each amended to read as
14 follows:

15 (1) The writ of garnishment shall set forth in the first paragraph
16 the amount that garnishee is required to hold, which shall be an amount
17 determined as follows: (a)(i) If after judgment, the amount of the
18 judgment remaining unsatisfied on the clerk of the court's execution
19 docket, if any, plus interest to the date of garnishment, as provided
20 in RCW 4.56.110, plus estimated interest that may accrue during the
21 garnishment process on a per diem basis under subsection (3) of this
22 section plus taxable costs and (~~(attorney's)~~) attorneys' fees, or (ii)
23 if before judgment, the amount prayed for in the complaint plus
24 estimated taxable costs of suit and attorneys' fees, together with, (b)
25 whether before or after judgment, estimated costs of garnishment as
26 provided in subsection (2) of this section. The court may, by order,
27 set a higher amount to be held upon a showing of good cause by
28 plaintiff.

1 (2) Costs recoverable in garnishment proceedings, to be estimated
2 for purposes of subsection (1) of this section, include filing and ex
3 parte fees, service and affidavit fees, postage and costs of certified
4 mail, answer fee or fees, other fees legally chargeable to a plaintiff
5 in the garnishment process, and a garnishment attorney fee in the
6 amount of the greater of (~~fifty~~) one hundred dollars or ten percent
7 of (a) the amount of the judgment remaining unsatisfied or (b) the
8 amount prayed for in the complaint. The garnishment attorney fee shall
9 not exceed (~~two~~) three hundred (~~fifty~~) dollars.

10 (3) For purposes of subsection (1) of this section, the plaintiff
11 must indicate in the writ a specific dollar amount of estimated
12 interest that may accrue during the garnishment process per day. The
13 amount must be based on an interest rate of twelve percent or the
14 interest rate set forth in the judgment, whichever rate is less.

15 **Sec. 3.** RCW 6.27.100 and 2003 c 222 s 4 are each amended to read
16 as follows:

17 (1) (~~The~~) A writ issued for a continuing lien on earnings shall
18 be substantially in the form provided in section 4 of this act. All
19 other writs of garnishment shall be substantially in the following
20 form, but if the writ is issued under (~~a court~~) an order or judgment
21 for child support, the following statement shall appear conspicuously
22 in the caption: "This garnishment is based on a judgment or (~~court~~)
23 order for child support"; and (~~if the garnishment is for a continuing~~
24 lien, the form shall be modified as provided in RCW 6.27.340; and if
25 the writ is not directed to an employer for the purpose of garnishing
26 a defendant's earnings, the paragraph relating to the earnings
27 exemption may be omitted and the paragraph relating to the deduction of
28 processing fees may be omitted; and) if the writ is issued by an
29 attorney, the writ shall be revised as indicated in subsection (2) of
30 this section:

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

34,
35 Plaintiff, No.
36 vs.

1 answer forms and, within twenty days after the service of the writ upon
2 you, to mail or deliver the original of such answer to the court, one
3 copy to the plaintiff or the plaintiff's attorney, and one copy to the
4 defendant, (~~in the envelopes provided~~) at the addresses listed at the
5 bottom of this writ.

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

20 ~~IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT~~
21 ~~A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER~~
22 ~~WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY~~
23 ~~DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE~~
24 ~~SECOND ANSWER.))~~

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

29 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
30 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
31 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
32 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
33 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
34 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
35 IN YOUR POSSESSION OR CONTROL.

36 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
37 FEES INCURRED BY THE PLAINTIFF.

1 Witness, the Honorable, Judge of the above-entitled
2 Court, and the seal thereof, this day of, 20. . .

3 [Seal]

4
5
6 Attorney for Clerk of
7 Plaintiff (or the Court
8 Plaintiff, if no
9 attorney)
10
11 Address By
12
13 Name of Defendant Address"
14
15 Address of Defendant

16 (2) If an attorney issues the writ of garnishment, the final
17 paragraph of the writ, containing the date, and the subscripted
18 attorney and clerk provisions, shall be replaced with text in
19 substantially the following form:

20 "This writ is issued by the undersigned attorney of record for
21 plaintiff under the authority of chapter 6.27 of the Revised Code of
22 Washington, and must be complied with in the same manner as a writ
23 issued by the clerk of the court.

24 Dated thisday of.....,20.....
25
26
27 Attorney for Plaintiff
28
29 Address((") Address of the Clerk of the
30 Court"
31
32 Name of Defendant
33
34 Address of Defendant
35

1	Service and Affidavit Fees	\$....
2	Postage and Costs of Certified Mail	\$....
3	Answer Fee or Fees	\$....
4	Garnishment Attorney Fee	\$....
5	Other	\$....

6 THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the
7 nonexempt portion of the defendant's earnings due at the time of
8 service of this writ and shall also hold the defendant's nonexempt
9 earnings that accrue through the last payroll period ending on or
10 before SIXTY days after the date of service of this writ. HOWEVER, IF
11 THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE
12 DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING
13 LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's
14 nonexempt earnings that accrue from the date the previously served writ
15 or writs terminate and through the last payroll period ending on or
16 before sixty days after the date of termination of the previous writ or
17 writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE
18 SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT.

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

28 YOU ARE FURTHER COMMANDED to answer this writ according to the
29 instructions in this writ and in the answer forms and, within twenty
30 days after the service of the writ upon you, to mail or deliver the
31 original of such answer to the court, one copy to the plaintiff or the
32 plaintiff's attorney, and one copy to the defendant, at the addresses
33 listed at the bottom of this writ.

34 If, at the time this writ was served, you owed the defendant any
35 earnings (that is, wages, salary, commission, bonus, tips, or other
36 compensation for personal services or any periodic payments pursuant to

1 a nongovernmental pension or retirement program), the defendant is
2 entitled to receive amounts that are exempt from garnishment under
3 federal and state law. You must pay the exempt amounts to the
4 defendant on the day you would customarily pay the compensation or
5 other periodic payment. As more fully explained in the answer, the
6 basic exempt amount is the greater of seventy-five percent of
7 disposable earnings or a minimum amount determined by reference to the
8 employee's pay period, to be calculated as provided in the answer.
9 However, if this writ carries a statement in the heading that "This
10 garnishment is based on a judgment or order for child support," the
11 basic exempt amount is fifty percent of disposable earnings.

12 YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE
13 EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING
14 FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS
15 AT THE TIME YOU SUBMIT THE SECOND ANSWER.

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

20 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE
21 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM
22 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS
23 WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY
24 ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT
25 OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS
26 IN YOUR POSSESSION OR CONTROL.

27 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND
28 FEES INCURRED BY THE PLAINTIFF.

29 Witness, the Honorable, Judge of the above-entitled
30 Court, and the seal thereof, this day of, 20. . .

31 [Seal]

32
33 Attorney for Clerk of
34 Plaintiff (or the Court
35 Plaintiff, if no
36 attorney)

1
 2 Address By
 3
 4 Name of Defendant Address"
 5
 6 Address of Defendant

7 (2) If an attorney issues the writ of garnishment, the final
 8 paragraph of the writ, containing the date, and the subscribed
 9 attorney and clerk provisions, shall be replaced with text in
 10 substantially the following form:

11 "This writ is issued by the undersigned attorney of record for
 12 plaintiff under the authority of chapter 6.27 of the Revised Code of
 13 Washington, and must be complied with in the same manner as a writ
 14 issued by the clerk of the court.

15 Dated thisday of.....,20.....
 16
 17 Attorney for Plaintiff
 18
 19 Address Address of the Clerk of the
 20 Court"
 21
 22 Name of Defendant
 23
 24 Address of Defendant
 25

26 **Sec. 5.** RCW 6.27.340 and 2003 c 222 s 13 are each amended to read
 27 as follows:

28 (1) Service of a writ for a continuing lien shall comply fully with
 29 RCW 6.27.110.

30 (2) ~~((The caption of the writ shall be marked "CONTINUING LIEN ON~~
 31 ~~EARNINGS" and the following additional paragraph shall be included in~~
 32 ~~the writ form prescribed in RCW 6.27.100:~~

33 ~~"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL~~

1 directed to an employer for the purpose of garnishing the
2 defendant's wages, the first answer shall accurately state, as
3 of the date the writ of garnishment was issued as indicated by
4 the date appearing on the last page of the writ, whether the
5 defendant was employed by the garnishee defendant (and if not
6 the date employment terminated), whether the defendant's
7 earnings were subject to a preexisting writ of garnishment for
8 continuing liens on earnings (and if so the date such writ will
9 terminate and the current writ will be enforced), whether the
10 defendant maintained a financial account with garnishee, and
11 whether the garnishee defendant had possession of or control
12 over any funds, personal property, or effects of the defendant
13 (and if so the garnishee defendant shall list all of
14 defendant's personal property or effects in its possession or
15 control). The first answer shall further accurately state, as
16 of the time of service of the writ of garnishment on the
17 garnishee defendant, the amount due and owing from the
18 garnishee defendant to the defendant, and the defendant's total
19 earnings, allowable deductions, disposable earnings, exempt
20 earnings, deductions for superior liens such as child support,
21 and net earnings withheld under the writ. The first answer may
22 be substantially in the following form:

23 IN THE COURT
24 OF THE STATE OF WASHINGTON IN AND FOR
25 THE COUNTY OF
26, NO.
27 Plaintiff,
28 vs. FIRST ANSWER
29, TO WRIT OF
30 Defendant, GARNISHMENT
31 FOR CONTINUING LIEN
32 Garnishee Defendant ON EARNINGS

33 SECTION I. If you are withholding the defendant's nonexempt
34 earnings under a previously served writ for a continuing lien,

1 answer only sections I and III of this form and mail or deliver
2 the forms as directed in the writ. Withhold from the
3 defendant's future nonexempt earnings as directed in the writ,
4 and a second set of answer forms will be forwarded to you
5 later.

6 If you are NOT withholding the defendant's earnings under a
7 previously served writ for a continuing lien, answer this
8 ENTIRE form and mail or deliver the forms as directed in the
9 writ. A second set of answer forms will be forwarded to you
10 later for subsequently withheld earnings.

11 ANSWER: I am presently holding the defendant's nonexempt
12 earnings under a previous writ served on that will
13 terminate not later than, 20

14 On the date the writ of garnishment was issued as indicated by
15 the date appearing on the last page of the writ:

16 (A) The defendant: (check one) [] was, [] was not employed
17 by garnishee. If not employed and you have no possession or
18 control of any funds of defendant, indicate the last day of
19 employment:; and complete section III of this
20 answer and mail or deliver the forms as directed in the writ;

21 (B) The defendant: (check one) [] did, [] did not maintain
22 a financial account with garnishee; and

23 (C) The garnishee: (check one) [] did, [] did not have
24 possession of or control over any funds, personal property, or
25 effects of the defendant. (List all of defendant's personal
26 property or effects in your possession or control on the last
27 page of this answer form or attach a schedule if necessary.)

28 SECTION II. At the time of service of the writ of garnishment
29 on the garnishee there was due and owing from the garnishee to
30 the above-named defendant \$

31 This writ attaches a maximum of percent of the
32 defendant's disposable earnings (that is, compensation payable
33 for personal services, whether called wages, salary,
34 commission, bonus, or otherwise, and including periodic
35 payments pursuant to a nongovernmental pension or retirement
36 program).

1 Calculate the attachable amount as follows:
2 Gross Earnings \$(1)
3 Less deductions required by law (social security,
4 federal withholding tax, etc. Do not include
5 deductions for child support orders or government
6 liens here. Deduct child support orders and liens
7 on line 7): \$(2)
8 Disposable Earnings (subtract line 2 from
9 line 1): \$(3)
10 Enter percent of line 3: \$(4)
11 Enter one of the following exempt amounts*: \$(5)

12	<u>If paid:</u>	<u>Weekly</u>	<u>\$.....</u>	<u>Semi-monthly</u>	<u>\$.....</u>
13		<u>Bi-weekly</u>	<u>\$.....</u>	<u>Monthly</u>	<u>\$.....</u>

14 *These are minimum exempt amounts that the
15 defendant must be paid. If your answer
16 covers more than one pay period, multiply
17 the preceding amount by the number of pay
18 periods and/or fraction thereof your answer
19 covers. If you use a pay period not shown,
20 prorate the monthly exempt amount.

21 Subtract the larger of lines 4 and 5 from
22 line 3: \$(6)
23 Enter amount (if any) withheld for ongoing
24 government liens such as child support: . . \$(7)
25 Subtract line 7 from line 6. This amount
26 must be held out for the plaintiff: \$(8)

27 This is the formula that you will use for withholding each pay
28 period over the required sixty day garnishment period. Deduct
29 any allowable processing fee you may charge from the amount
30 that is to be paid to the defendant.

31 If there is any uncertainty about your answer, give an
32 explanation on the last page or on an attached page.

33 SECTION III. An attorney may answer for the garnishee.

1 Under penalty of perjury, I affirm that I have examined this
2 answer, including accompanying schedules, and to the best of my
3 knowledge and belief it is true, correct, and complete.

4
5 Signature of Date
6 Garnishee Defendant
7
8 Signature of Person Connection with
9 Answering for Garnishee
10 Garnishee
11
12 Print Name of Person
13 Signing Address of Garnishee

14 (3) Prior to serving the answer forms for a writ for continuing
15 lien on earnings, the plaintiff shall fill in the minimum exemption
16 amounts for the different pay periods, and the maximum percentages of
17 disposable earnings subject to lien and exempt from lien.

18 (4) In the event plaintiff fails to comply with this section,
19 employer may elect to treat the garnishment as one not creating a
20 continuing lien.

21 **Sec. 6.** RCW 6.27.110 and 1998 c 227 s 4 are each amended to read
22 as follows:

23 (1) Service of the writ of garnishment, including a writ for
24 continuing lien on earnings, on the garnishee is invalid unless the
25 writ is served together with: (a) ~~((Four))~~ An answer form~~((s))~~ as
26 prescribed in RCW 6.27.190; and (b) ~~((three stamped envelopes addressed~~
27 ~~respectively to the clerk of the court issuing the writ, the attorney~~
28 ~~for the plaintiff (or to the plaintiff if the plaintiff has no~~
29 ~~attorney), and the defendant; and (c))~~ a check or money order made
30 payable to the garnishee in the amount of twenty dollars for the answer
31 fee if the writ of garnishment is not a writ for a continuing lien on
32 earnings.

33 (2) Except as provided in RCW 6.27.080 for service on a bank,
34 savings and loan association, or credit union, the writ of garnishment
35 shall be mailed to the garnishee by certified mail, return receipt

1 requested, addressed in the same manner as a summons in a civil action,
2 and will be binding upon the garnishee on the day set forth on the
3 return receipt. In the alternative, the writ shall be served by the
4 sheriff of the county in which the garnishee lives or has its place of
5 business or by any person qualified to serve process in the same manner
6 as a summons in a civil action is served.

7 (3) If a writ of garnishment is served by a sheriff, the sheriff
8 shall file with the clerk of the court that issued the writ a signed
9 return showing the time, place, and manner of service and that the writ
10 was accompanied by an answer form(~~(s, addressed envelopes)~~), and check
11 or money order if required by this section, and noting thereon fees for
12 making the service. If service is made by any person other than a
13 sheriff, such person shall file an affidavit including the same
14 information and showing qualifications to make such service. If a writ
15 of garnishment is served by mail, the person making the mailing shall
16 file an affidavit showing the time, place, and manner of mailing and
17 that the writ was accompanied by an answer form(~~(s and addressed~~
18 ~~envelopes)~~), and check or money order if required by this section, and
19 shall attach the return receipt or electronic return receipt delivery
20 confirmation to the affidavit.

21 **Sec. 7.** RCW 6.27.140 and 2011 c 162 s 5 are each amended to read
22 as follows:

23 (1) The notice required by RCW 6.27.130(1) to be mailed to or
24 served on an individual judgment debtor shall be in the following form,
25 printed or typed in (~~type~~) no smaller than (~~elite type~~) size twelve
26 point font type:

27 NOTICE OF GARNISHMENT
28 AND OF YOUR RIGHTS

29 A Writ of Garnishment issued in a Washington court has been or
30 will be served on the garnishee named in the attached copy of
31 the writ. After receipt of the writ, the garnishee is required
32 to withhold payment of any money that was due to you and to
33 withhold any other property of yours that the garnishee held or
34 controlled. This notice of your rights is required by law.

35 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

36 WAGES. If the garnishee is your employer who owes wages or
37 other personal earnings to you, your employer is required to

1 pay amounts to you that are exempt under state and federal
2 laws, as explained in the writ of garnishment. You should
3 receive a copy of your employer's answer, which will show how
4 the exempt amount was calculated. If the garnishment is for
5 child support, the exempt amount paid to you will be (~~forty~~)
6 a percent of ((wages due you, but if you are supporting a
7 spouse, state registered domestic partner, or dependent child,
8 you are entitled to claim an additional ten percent as exempt))
9 your disposable earnings, which is fifty percent of that part
10 of your earnings remaining after your employer deducts those
11 amounts which are required by law to be withheld.

12 BANK ACCOUNTS. If the garnishee is a bank or other institution
13 with which you have an account in which you have deposited
14 benefits such as Temporary Assistance for Needy Families,
15 Supplemental Security Income (SSI), Social Security, veterans'
16 benefits, unemployment compensation, or (~~a United States~~
17 ~~pension~~) any federally qualified pension, such as a state or
18 federal pension, individual retirement account (IRA), or 401K
19 plan, you may claim the account as fully exempt if you have
20 deposited only such benefit funds in the account. It may be
21 partially exempt even though you have deposited money from
22 other sources in the same account. An exemption is also
23 available under RCW 26.16.200, providing that funds in a
24 community bank account that can be identified as the earnings
25 of a stepparent are exempt from a garnishment on the child
26 support obligation of the parent.

27 OTHER EXEMPTIONS. If the garnishee holds other property of
28 yours, some or all of it may be exempt under RCW 6.15.010, a
29 Washington statute that exempts certain property of your choice
30 (including money in a bank account up to \$200.00 for debts owed
31 to state agencies, or up to \$500.00 for all other debts) and
32 certain other property such as household furnishings, tools of
33 trade, and a motor vehicle (all limited by differing dollar
34 values).

35 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
36 mail or deliver it as described in instructions on the claim

1 form. If the plaintiff does not object to your claim, the
2 funds or other property that you have claimed as exempt must be
3 released not later than 10 days after the plaintiff receives
4 your claim form. If the plaintiff objects, the law requires a
5 hearing not later than 14 days after the plaintiff receives
6 your claim form, and notice of the objection and hearing date
7 will be mailed to you at the address that you put on the claim
8 form.

9 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN
10 ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT
11 YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

12 (2)(a) If the writ is to garnish funds or property held by a
13 financial institution, the claim form required by RCW 6.27.130(1) to be
14 mailed to or served on an individual judgment debtor shall be in the
15 following form, printed or typed in ((type)) no smaller than ((elite
16 type)) size twelve point font type:

17 [Caption to be filled in by judgment creditor
18 or plaintiff before mailing.]

19
20 Name of Court
21 No.....
22 Plaintiff,
23 vs.
24 EXEMPTION CLAIM
25 Defendant,
26
27 Garnishee Defendant

28 INSTRUCTIONS:

- 29 1. Read this whole form after reading the enclosed
30 notice. Then put an X in the box or boxes that
31 describe your exemption claim or claims and write in
32 the necessary information on the blank lines. If
33 additional space is needed, use the bottom of the last
34 page or attach another sheet.

1 2. Make two copies of the completed form. Deliver the
2 original form by first-class mail or in person to the
3 clerk of the court, whose address is shown at the
4 bottom of the writ of garnishment. Deliver one of
5 the copies by first-class mail or in person to the
6 plaintiff or plaintiff's attorney, whose name and
7 address are shown at the bottom of the writ. Keep
8 the other copy. YOU SHOULD DO THIS AS
9 QUICKLY AS POSSIBLE, BUT NO LATER
10 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
11 ON THE WRIT.

12 I/We claim the following money or property as exempt:

13 IF BANK ACCOUNT IS GARNISHED:

14 [] The account contains payments from:

- 15 [] Temporary assistance for needy families, SSI, or
16 other public assistance. I receive \$ monthly.
- 17 [] Social Security. I receive \$ monthly.
- 18 [] Veterans' Benefits. I receive \$ monthly.
- 19 [] Pensions and retirement accounts including, but not
20 limited to, U.S. Government Pension, federally
21 qualified pension, individual retirement account
22 (IRA), 401K, 403(b), and any state retirement
23 system listed in RCW 41.50.030. I receive \$
24 monthly.
- 25 [] Unemployment Compensation. I receive \$
26 monthly.
- 27 [] Child support. I receive \$ monthly.
- 28 [] Other. Explain
29
- 30 [] \$200 exemption if debt is to state agency.
- 31 [] \$500 exemption for all other debts.

32 IF EXEMPTION IN BANK ACCOUNT IS CLAIMED,
33 ANSWER ONE OR BOTH OF THE FOLLOWING:

- 34 [] No money other than from above payments are in
35 the account.

1 [] Moneys in addition to the above payments have
2 been deposited in the account. Explain
3
4

5 ~~((IF EARNINGS ARE GARNISHED FOR CHILD~~
6 ~~SUPPORT:~~

- 7 ~~[] I claim maximum exemption.~~
8 ~~[] I am supporting another child or other children.~~
9 ~~[] I am supporting a husband, wife, or state registered~~
10 ~~domestic partner.~~

11 ~~IF PENSION OR RETIREMENT BENEFITS ARE~~
12 ~~GARNISHED:~~

- 13 ~~[] Name and address of employer who is paying the~~
14 ~~benefits:~~
15 ~~.....))~~

16 OTHER PROPERTY:

- 17 [] Describe property
18
19 (If you claim other personal property as exempt, you
20 must attach a list of all other personal property that
21 you own.)

22
23 Print: Your name If married or in a state
24 registered domestic
25 partnership,
26 name of husband/wife/state
27 registered domestic partner
28
29 Your signature Signature of husband,
30 wife, or state registered
31 domestic partner
32
33
34 Address Address
35 (if different from yours)

1
2 Telephone number Telephone number
3 (if different from yours)

4 CAUTION: If the plaintiff objects to your claim, you will have to
5 go to court and give proof of your claim. For example, if you claim
6 that a bank account is exempt, you may have to show the judge your bank
7 statements and papers that show the source of the money you deposited
8 in the bank. Your claim may be granted more quickly if you attach
9 copies of such proof to your claim.

10 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
11 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
12 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
13 PLAINTIFF'S ATTORNEY FEES.

14 (b) If the writ is directed to an employer to garnish earnings, the
15 claim form required by RCW 6.27.130(1) to be mailed to or served on an
16 individual judgment debtor shall be in the following form, subject to
17 (c) of this subsection, printed or typed in no smaller than size twelve
18 point font type:

19
20 [Caption to be filled in by judgment creditor
21 or plaintiff before mailing.]

22
23 Name of Court
24 No.....

25 Plaintiff,
26 vs.

27 EXEMPTION CLAIM
28 Defendant,

29
30 Garnishee Defendant

31 INSTRUCTIONS:

- 1 1. Read this whole form after reading the enclosed
2 notice. Then put an X in the box or boxes that
3 describe your exemption claim or claims and write in
4 the necessary information on the blank lines. If
5 additional space is needed, use the bottom of the last
6 page or attach another sheet.
- 7 2. Make two copies of the completed form. Deliver the
8 original form by first-class mail or in person to the
9 clerk of the court, whose address is shown at the
10 bottom of the writ of garnishment. Deliver one of
11 the copies by first-class mail or in person to the
12 plaintiff or plaintiff's attorney, whose name and
13 address are shown at the bottom of the writ. Keep
14 the other copy. YOU SHOULD DO THIS AS
15 QUICKLY AS POSSIBLE, BUT NO LATER
16 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
17 ON THE WRIT.

18 I/We claim the following money or property as exempt:

19
20
21
22
23
24 IF PENSION OR RETIREMENT BENEFITS ARE
25 GARNISHED:

26 Name and address of employer who is paying the
27 benefits:
28

29 IF EARNINGS ARE GARNISHED FOR CHILD
30 SUPPORT:

31 I claim maximum exemption.
32

33 <u>Print: Your name</u>	34 <u>If married or in a state</u> 35 <u>registered domestic</u> <u>partnership.</u>
----------------------------	--

1 name of husband/wife/state

2 registered domestic partner

3

4 Your signature Signature of husband,

5 wife, or state registered

6 domestic partner

7

8

9 Address Address

10 (if different from yours)

11

12 Telephone number Telephone number

13 (if different from yours)

14 CAUTION: If the plaintiff objects to your claim, you will have to
15 go to court and give proof of your claim. For example, if you claim
16 that a bank account is exempt, you may have to show the judge your bank
17 statements and papers that show the source of the money you deposited
18 in the bank. Your claim may be granted more quickly if you attach
19 copies of such proof to your claim.

20 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
21 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
22 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
23 PLAINTIFF'S ATTORNEY FEES.

24 (c) If the writ under (b) of this subsection is not a writ for the
25 collection of child support, the exemption language pertaining to child
26 support may be omitted.

27 **Sec. 8.** RCW 6.27.140 and 2011 c 162 s 6 are each amended to read
28 as follows:

29 (1) The notice required by RCW 6.27.130(1) to be mailed to or
30 served on an individual judgment debtor shall be in the following form,
31 printed or typed in ((type)) no smaller than ((~~elite-type~~)) size twelve
32 point font:

33 NOTICE OF GARNISHMENT
34 AND OF YOUR RIGHTS

1 A Writ of Garnishment issued in a Washington court has been or
2 will be served on the garnishee named in the attached copy of
3 the writ. After receipt of the writ, the garnishee is required
4 to withhold payment of any money that was due to you and to
5 withhold any other property of yours that the garnishee held or
6 controlled. This notice of your rights is required by law.

7 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

8 WAGES. If the garnishee is your employer who owes wages or
9 other personal earnings to you, your employer is required to
10 pay amounts to you that are exempt under state and federal
11 laws, as explained in the writ of garnishment. You should
12 receive a copy of your employer's answer, which will show how
13 the exempt amount was calculated. If the garnishment is for
14 child support, the exempt amount paid to you will be ~~((forty))~~
15 a percent of ((wages due you, but if you are supporting a
16 spouse, state registered domestic partner, or dependent child,
17 you are entitled to claim an additional ten percent as exempt))
18 your disposable earnings, which is fifty percent of that part
19 of your earnings remaining after your employer deducts those
20 amounts which are required by law to be withheld.

21 BANK ACCOUNTS. If the garnishee is a bank or other institution
22 with which you have an account in which you have deposited
23 benefits such as Temporary Assistance for Needy Families,
24 Supplemental Security Income (SSI), Social Security, veterans'
25 benefits, unemployment compensation, or ~~((a United States~~
26 pension)) any federally qualified pension, such as a state or
27 federal pension, individual retirement account (IRA), or 401K
28 plan, you may claim the account as fully exempt if you have
29 deposited only such benefit funds in the account. It may be
30 partially exempt even though you have deposited money from
31 other sources in the same account. An exemption is also
32 available under RCW 26.16.200, providing that funds in a
33 community bank account that can be identified as the earnings
34 of a stepparent are exempt from a garnishment on the child
35 support obligation of the parent.

1 OTHER EXEMPTIONS. If the garnishee holds other property of
2 yours, some or all of it may be exempt under RCW 6.15.010, a
3 Washington statute that exempts certain property of your choice
4 (including up to \$500.00 in a bank account) and certain other
5 property such as household furnishings, tools of trade, and a
6 motor vehicle (all limited by differing dollar values).

7 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
8 mail or deliver it as described in instructions on the claim
9 form. If the plaintiff does not object to your claim, the
10 funds or other property that you have claimed as exempt must be
11 released not later than 10 days after the plaintiff receives
12 your claim form. If the plaintiff objects, the law requires a
13 hearing not later than 14 days after the plaintiff receives
14 your claim form, and notice of the objection and hearing date
15 will be mailed to you at the address that you put on the claim
16 form.

17 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN
18 ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT
19 YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

20 (2)(a) If the writ is to garnish funds or property held by a
21 financial institution, the claim form required by RCW 6.27.130(1) to be
22 mailed to or served on an individual judgment debtor shall be in the
23 following form, printed or typed in ((type)) no smaller than ((elite
24 type)) size twelve point font:

25 [Caption to be filled in by judgment creditor
26 or plaintiff before mailing.]

27
28 Name of Court
29 No.....
30 Plaintiff,
31 vs.
32 EXEMPTION CLAIM
33 Defendant,
34

Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

The account contains payments from:

Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.

Social Security. I receive \$ monthly.

Veterans' Benefits. I receive \$ monthly.

(~~U.S. Government Pension~~) Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ monthly.

Unemployment Compensation. I receive \$ monthly.

Child support. I receive \$ monthly.

Other. Explain
.....

1 IF EXEMPTION IN BANK ACCOUNT IS CLAIMED,
2 ANSWER ONE OR BOTH OF THE FOLLOWING:

- 3 No money other than from above payments are in
4 the account.
5 Moneys in addition to the above payments have
6 been deposited in the account. Explain
7
8

9 ~~((IF EARNINGS ARE GARNISHED FOR CHILD
10 SUPPORT:~~

- 11 ~~I claim maximum exemption.
12 I am supporting another child or other children.
13 I am supporting a husband, wife, or state registered
14 domestic partner.~~

15 ~~IF PENSION OR RETIREMENT BENEFITS ARE
16 GARNISHED:~~

- 17 ~~Name and address of employer who is paying the
18 benefits:
19))~~

20 OTHER PROPERTY:

- 21 Describe property
22
23 (If you claim other personal property as exempt, you
24 must attach a list of all other personal property that
25 you own.)

26
27 Print: Your name If married or in a state
28 registered domestic
29 partnership,
30 name of husband/wife/state
31 registered domestic partner
32
33 Your signature Signature of husband,
34 wife, or state registered
35 domestic partner

1
 2
 3 Address Address
 4 (if different from yours)
 5
 6 Telephone number Telephone number
 7 (if different from yours)

8 CAUTION: If the plaintiff objects to your claim, you will have to
 9 go to court and give proof of your claim. For example, if you claim
 10 that a bank account is exempt, you may have to show the judge your bank
 11 statements and papers that show the source of the money you deposited
 12 in the bank. Your claim may be granted more quickly if you attach
 13 copies of such proof to your claim.

14 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
 15 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE
 16 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
 17 PLAINTIFF'S ATTORNEY FEES.

18 (b) If the writ is directed to an employer to garnish earnings, the
 19 claim form required by RCW 6.27.130(1) to be mailed to or served on an
 20 individual judgment debtor shall be in the following form, subject to
 21 (c) of this subsection, printed or typed in no smaller than size twelve
 22 point font type:

23
 24 [Caption to be filled in by judgment creditor
 25 or plaintiff before mailing.]
 26
 27 Name of Court
 28 No.....
 29 Plaintiff,
 30 vs.
 31 EXEMPTION CLAIM
 32 Defendant,
 33

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Garnishee Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.

- 2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:
.....

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

I claim maximum exemption.
.....

1 week of such earnings, an amount shall be exempt from garnishment which
2 is the greatest of the following:

3 (a) ~~Thirty-five~~ times the federal minimum hourly wage (~~prescribed~~
4 ~~by section 206(a)(1) of Title 29 of the United States Code~~) in effect
5 at the time the earnings are payable; or

6 (b) Seventy-five percent of the disposable earnings of the
7 defendant.

8 (2) In the case of a garnishment based on a judgment or other
9 (~~court~~) order for child support or court order for spousal
10 maintenance, other than a mandatory wage assignment order pursuant to
11 chapter 26.18 RCW, or a mandatory assignment of retirement benefits
12 pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of
13 the disposable earnings of the defendant (~~if the individual is~~
14 ~~supporting a spouse or dependent child (other than a spouse or child on~~
15 ~~whose behalf the garnishment is brought), or forty percent of the~~
16 ~~disposable earnings of the defendant if the individual is not~~
17 ~~supporting such a spouse or dependent child~~)).

18 (3) The exemptions stated in this section shall apply whether such
19 earnings are paid, or are to be paid, weekly, monthly, or at other
20 intervals, and whether earnings are due the defendant for one week, a
21 portion thereof, or for a longer period.

22 (4) Unless directed otherwise by the court, the garnishee shall
23 determine and deduct exempt amounts under this section as directed in
24 the writ of garnishment and answer, and shall pay these amounts to the
25 defendant.

26 (5) No money due or earned as earnings as defined in RCW 6.27.010
27 shall be exempt from garnishment under the provisions of RCW 6.15.010,
28 as now or hereafter amended.

29 **Sec. 10.** RCW 6.27.190 and 2003 c 222 s 8 are each amended to read
30 as follows:

31 (1) The answer of the garnishee shall be signed by the garnishee or
32 attorney or if the garnishee is a corporation, by an officer, attorney
33 or duly authorized agent of the garnishee, under penalty of perjury,
34 and the original and copies delivered, either personally or by mail,
35 (~~to the clerk of the court, one copy to the plaintiff or the~~
36 ~~plaintiff's attorney, and one copy to the defendant. The answer shall~~
37 ~~be made on a form substantially as appears in this section, served on~~

1 ~~the garnishee with the writ. Prior to serving the answer forms for a~~
2 ~~writ for continuing lien on earnings, the plaintiff shall fill in the~~
3 ~~minimum exemption amounts for the different pay periods, and the~~
4 ~~maximum percentages of disposable earnings subject to lien and exempt~~
5 ~~from lien)) as instructed in the writ.~~

6 (2) If the writ of garnishment is for a continuing lien, the answer
7 forms shall be as prescribed in RCW 6.27.340 and 6.27.350.

8 (3) If the writ is not directed to an employer for the purpose of
9 garnishing the defendant's wages, the ((~~paragraphs in section II of the~~
10 ~~answer relating to earnings and calculations of withheld amounts may be~~
11 ~~omitted.~~)) answer shall be substantially in the following form:

12
13 IN THECOURT
14 OF THE STATE OF WASHINGTON IN AND FOR
15 THE COUNTY OF

16 NO.
17 Plaintiff
18 vs. ANSWER
19 TO WRIT OF
20 Defendant GARNISHMENT
21
22 Garnishee Defendant

23 SECTION I. On the date the writ of garnishment was issued as
24 indicated by the date appearing on the last page of the writ:

25 (A) The defendant: (check one) was, was not employed
26 by garnishee. If not employed and you have no possession or control of
27 any funds of defendant, indicate the last day of employment:
28 . . ; and complete section III of this answer and mail or deliver the
29 forms as directed in the writ;

30 (B) The defendant: (check one) did, did not maintain
31 a financial account with garnishee; and

32 (C) The garnishee: (check one) did, did not have
33 possession of or control over any funds, personal property, or effects
34 of the defendant. (List all of defendant's personal property or
35 effects in your possession or control on the last page of this answer
36 form or attach a schedule if necessary.)

1 SECTION II. At the time of service of the writ of garnishment on
2 the garnishee there was due and owing from the garnishee to the above-
3 named defendant \$

4 ((This writ attaches a maximum of percent of the
5 defendant's disposable earnings (that is, compensation payable for
6 personal services, whether called wages, salary, commission, bonus, or
7 otherwise, and including periodic payments pursuant to a
8 nongovernmental pension or retirement program). Calculate the
9 attachable amount as follows:

10 Gross Earnings _____ \$ (1)

11 Less deductions required by law (social security,
12 federal withholding tax, etc. Do not include
13 deductions for child support orders or government
14 liens here. Deduct child support orders and liens
15 on line 7): _____ \$ (2)

16 Disposable Earnings (subtract line 2 from
17 line 1): _____ \$ (3)

18 Enter percent of line 3: _____ \$ (4)

19 Enter one of the following exempt amounts*: _____ \$ (5)

20	If paid:	Weekly	\$.....	Semi-monthly	\$.....
21		Bi-weekly	\$.....	Monthly	\$.....

22 *These are minimum exempt amounts that the
23 defendant must be paid. If your answer
24 covers more than one pay period, multiply
25 the preceding amount by the number of pay
26 periods and/or fraction thereof your answer
27 covers. If you use a pay period not shown,
28 prorate the monthly exempt amount.

29 Subtract the larger of lines 4 and 5 from
30 line 3: _____ \$ (6)

31 Enter amount (if any) withheld for ongoing
32 government liens such as child support: _____ \$ (7)

33 Subtract line 7 from line 6. This amount
34 must be held out for the plaintiff: _____ \$ (8)

1 ~~This is the formula that you will use for withholding each pay period~~
2 ~~over the required sixty day garnishment period. Deduct any allowable~~
3 ~~processing fee you may charge from the amount that is to be paid to the~~
4 ~~defendant.))~~

5 If there is any uncertainty about your answer, give an explanation
6 on the last page or on an attached page.

7 SECTION III. An attorney may answer for the garnishee.
8 Under penalty of perjury, I affirm that I have examined this
9 answer, including accompanying schedules, and to the best of my
10 knowledge and belief it is true, correct, and complete.

11
12 Signature of Date
13 Garnishee Defendant
14
15 Signature of person Connection with
16 answering for garnishee
17 garnishee
18
19 Print name of person
20 signing Address of garnishee

21 **Sec. 11.** RCW 6.27.200 and 2003 c 222 s 9 are each amended to read
22 as follows:

23 If the garnishee fails to answer the writ within the time
24 prescribed in the writ, after the time to answer the writ has expired
25 and after required returns or affidavits have been filed, showing
26 service on the garnishee and service on or mailing to the defendant, it
27 shall be lawful for the court to render judgment by default against
28 such garnishee, after providing a notice to the garnishee by personal
29 service or first-class mail deposited in the mail at least ten calendar
30 days prior to entry of the judgment, for the full amount claimed by the
31 plaintiff against the defendant, or in case the plaintiff has a
32 judgment against the defendant, for the full amount of the plaintiff's
33 unpaid judgment against the defendant with all accruing interest and
34 costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the
35 garnishee at any time within seven days following service on, or
36 mailing to, the garnishee of a copy of the first writ of execution or

1 writ of garnishment under such judgment, the judgment against the
2 garnishee shall be reduced to the amount of any nonexempt funds or
3 property which was actually in the possession of the garnishee at the
4 time the writ was served, plus the cumulative amount of the nonexempt
5 earnings subject to the lien provided for in RCW 6.27.350, or the sum
6 of one hundred dollars, whichever is more, but in no event to exceed
7 the full amount claimed by the plaintiff or the amount of the unpaid
8 judgment against the principal defendant (~~plus~~) with all accruing
9 interest and costs and attorney's fees as prescribed in RCW 6.27.090,
10 plus the accruing interest and costs and attorneys' fees as prescribed
11 in RCW 6.27.090 for any garnishment on the judgment against the
12 garnishee, and in addition the plaintiff shall be entitled to a
13 reasonable attorney's fee for the plaintiff's response to the
14 garnishee's motion to reduce said judgment against the garnishee under
15 this proviso and the court may allow additional attorney's fees for
16 other actions taken because of the garnishee's failure to answer.

17 **Sec. 12.** RCW 6.27.250 and 2003 c 222 s 10 are each amended to read
18 as follows:

19 (1)(a) If it appears from the answer of the garnishee or if it is
20 otherwise made to appear that the garnishee was indebted to the
21 defendant in any amount, not exempt, when the writ of garnishment was
22 served, and if the required return or affidavit showing service on or
23 mailing to the defendant is on file, the court shall render judgment
24 for the plaintiff against such garnishee for the amount so admitted or
25 found to be due to the defendant from the garnishee, unless such amount
26 exceeds the amount of the plaintiff's claim or judgment against the
27 defendant with accruing interest and costs and attorney's fees as
28 prescribed in RCW 6.27.090, in which case it shall be for the amount of
29 such claim or judgment, with said interest, costs, and fees. If there
30 is no unresolved exemption claim and no controversion, the plaintiff
31 may apply for the judgment and order to pay ex parte. In the case of
32 a superior court garnishment, the court shall order the garnishee to
33 pay to the plaintiff or to the plaintiff's attorney through the
34 registry of the court the amount of the judgment against the garnishee,
35 the clerk of the court shall note receipt of any such payment, and the
36 clerk of the court shall disburse the payment to the plaintiff. In the
37 case of a district court garnishment, the court shall order the

1 garnishee to pay the judgment amount directly to the plaintiff or to
2 the plaintiff's attorney. In either case, the court shall inform the
3 garnishee that failure to pay the amount may result in execution of the
4 judgment, including garnishment.

5 (b) If, prior to judgment, the garnishee tenders to the plaintiff
6 or to the plaintiff's attorney or to the court any amounts due, such
7 tender will support judgment against the garnishee in the amount so
8 tendered, subject to any exemption claimed within the time required in
9 RCW 6.27.160 after the amounts are tendered, and subject to any
10 controversion filed within the time required in RCW 6.27.210 after the
11 amounts are tendered. Any amounts tendered to the court by or on
12 behalf of the garnishee or the defendant prior to judgment shall be
13 disbursed to the party entitled to same upon entry of judgment or
14 order, and any amounts so tendered after entry of judgment or order
15 shall be disbursed upon receipt to the party entitled to same.

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

1 (3) The court shall, upon request of the plaintiff at the time
2 judgment is rendered against the garnishee or within one year
3 thereafter, or within one year after service of the writ on the
4 garnishee if no judgment is taken against the garnishee, render
5 judgment against the defendant for recoverable garnishment costs and
6 attorney fees. However, if it appears from the answer of garnishee or
7 otherwise that, at the time the writ was issued, the garnishee held no
8 funds, personal property, or effects of the defendant and, in the case
9 of a garnishment on earnings, the defendant was not employed by the
10 garnishee, or, in the case of a writ directed to a financial
11 institution, the defendant maintained no account therein, then the
12 plaintiff may not be awarded judgment against the defendant for such
13 costs or attorney fees.

14 **Sec. 13.** RCW 6.27.330 and 1987 c 442 s 1032 are each amended to
15 read as follows:

16 A judgment creditor may obtain a continuing lien on earnings by a
17 garnishment pursuant to ((~~RCW 6.27.340, 6.27.350, 6.27.360, and~~
18 ~~7.33.390~~)) this chapter.

19 **Sec. 14.** RCW 6.27.350 and 2003 c 222 s 14 are each amended to read
20 as follows:

21 (1) Where the garnishee's answer to a garnishment for a continuing
22 lien reflects that the defendant is employed by the garnishee, the
23 judgment or balance due thereon as reflected on the writ of garnishment
24 shall become a lien on earnings due at the time of the effective date
25 of the writ, as defined in this subsection, to the extent that they are
26 not exempt from garnishment, and such lien shall continue as to
27 subsequent nonexempt earnings until the total subject to the lien
28 equals the amount stated on the writ of garnishment or until the
29 expiration of the employer's payroll period ending on or before sixty
30 days after the effective date of the writ, whichever occurs first,
31 except that such lien on subsequent earnings shall terminate sooner if
32 the employment relationship is terminated or if the underlying judgment
33 is vacated, modified, or satisfied in full or if the writ is dismissed.
34 The "effective date" of a writ is the date of service of the writ if
35 there is no previously served writ; otherwise, it is the date of
36 termination of a previously served writ or writs.

1 (2) At the time of the expected termination of the lien, the
2 plaintiff shall mail to the garnishee (~~three additional stamped~~
3 ~~envelopes addressed as provided in RCW 6.27.110, and four additional~~
4 ~~copies~~) one copy of the answer form prescribed in RCW (~~6.27.190~~)
5 6.27.340. The plaintiff shall replace the text of section I of the
6 answer form with a statement in substantially the following form:
7 "ANSWER SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF
8 EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY,
9 STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE
10 THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT."

11 Nonexempt amount due and owing stated in first \$...
12 answer
13 Nonexempt amount accrued since first answer \$...
14 TOTAL AMOUNT WITHHELD \$....

15 (3) Within twenty days of receipt of the second answer form the
16 garnishee shall file a second answer, either in the form as provided in
17 subsection (2) of this section, stating the total amount held subject
18 to the garnishment, or otherwise containing the information required in
19 subsection (2) of this section and a calculation indicating the total
20 amount due and owing from the garnishee defendant to the defendant, the
21 defendant's total earnings, allowable deductions, disposable earnings,
22 exempt earnings, deductions for superior liens such as child support,
23 and net earnings withheld under the writ.

24 **Sec. 15.** RCW 6.27.360 and 1997 c 296 s 8 are each amended to read
25 as follows:

26 (1) Except as provided in subsection (~~(+2)~~) (3) of this section,
27 a lien obtained under RCW 6.27.350 shall have priority over any
28 subsequent garnishment lien or wage assignment except that service of
29 a writ shall not be effective to create a continuing lien with such
30 priority if a writ in the same case is pending at the time of the
31 service of the new writ.

32 (2) A lien obtained under RCW 6.27.350 shall have priority over any
33 prior wage assignment, except an assignment for child support as
34 provided in subsection (3) of this section and an assignment for legal

1 financial obligations as provided under RCW 9.94A.760, 9.94A.7702, and
2 72.09.111.

3 (3) A lien obtained under RCW 6.27.350 shall not have priority over
4 a notice of payroll deduction issued under RCW 26.23.060 or a wage
5 assignment or other garnishment for child support issued under chapters
6 26.18 and 74.20A RCW. Should nonexempt wages remain after deduction of
7 all amounts owing under a notice of payroll deduction, wage assignment,
8 or garnishment for child support, the garnishee shall withhold the
9 remaining nonexempt wages under the lien obtained under RCW 6.27.350.

10 **Sec. 16.** RCW 6.27.370 and 1997 c 296 s 9 are each amended to read
11 as follows:

12 (1) Whenever the federal government is named as a garnishee
13 defendant, the attorney for the plaintiff, or the clerk of the court
14 shall, upon submitting a notice in the appropriate form by the
15 plaintiff, issue a notice which directs the garnishee defendant to
16 disburse any nonexempt earnings to the court in accordance with the
17 garnishee defendant's normal pay and disbursement cycle.

18 (2) Funds received by the clerk from a garnishee defendant may be
19 deposited into the registry of the court or, in the case of negotiable
20 instruments, may be retained in the court file. Upon presentation of
21 an order directing the clerk to disburse the funds received, the clerk
22 shall pay or endorse the funds over to the party entitled to receive
23 the funds. Except for good cause shown, the funds shall not be paid or
24 endorsed to the plaintiff prior to the expiration of any minimum
25 statutory period allowed to the defendant for filing an exemption
26 claim.

27 (3) The plaintiff shall, in the same manner permitted for service
28 of the writ of garnishment, provide to the garnishee defendant a copy
29 of the notice issued (~~by the clerk and an envelope addressed to the~~
30 ~~court~~) under subsection (1) of this section, and shall supply to the
31 garnished party a copy of the notice.

32 (4) Any answer or processing fees charged by the garnishee
33 defendant to the plaintiff under federal law shall be a recoverable
34 cost under RCW 6.27.090.

35 (5) The notice to the federal government garnishee shall be in
36 substantially the following form:

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IN THE COURT OF THE STATE OF
WASHINGTON

IN AND FOR COUNTY

....., NO
Plaintiff, NOTICE TO FEDERAL
vs. GOVERNMENT GARNISHEE
DEFENDANT

.....,
Defendant,

.....,
Garnishee Defendant.

TO: THE GOVERNMENT OF THE UNITED STATES
AND ANY DEPARTMENT, AGENCY, OR DIVISION
THEREOF

You have been named as the garnishee defendant in the
above-entitled cause. A Writ of Garnishment accompanies
this Notice. The Writ of Garnishment directs you to hold
the nonexempt earnings of the named defendant, but does
not instruct you to disburse the funds you hold.

BY THIS NOTICE THE COURT DIRECTS YOU TO
WITHHOLD ALL NONEXEMPT EARNINGS AND
DISBURSE THEM IN ACCORDANCE WITH YOUR
NORMAL PAY AND DISBURSEMENT CYCLE, TO
THE FOLLOWING:

..... County Court Clerk
Cause No
.....
(Address)

PLEASE REFERENCE THE DEFENDANT
EMPLOYEE'S NAME AND THE ABOVE CAUSE
NUMBER ON ALL DISBURSEMENTS.

1 The enclosed Writ also directs you to respond to the Writ
2 within twenty (20) days, but you are allowed thirty (30)
3 days to respond under federal law.

4 DATED this day of, ((49)) 20...

5
6 Clerk of the Court

7 (6) If the writ of garnishment is issued by the attorney of record
8 for the judgment creditor, the following paragraph shall replace the
9 clerk's signature and date:

10 This notice is issued by the undersigned attorney of record for
11 plaintiff under the authority of RCW 6.27.370, and must be
12 complied with in the same manner as a notice issued by the
13 court.

14 Dated thisday of....., 20.....

15
16
17 Attorney for Plaintiff

18 **Sec. 17.** RCW 2.10.180 and 1991 c 365 s 18 are each amended to read
19 as follows:

20 (1) Except as provided in subsections (2), (3), and (4) of this
21 section, the right of a person to a retirement allowance, disability
22 allowance, or death benefit, the retirement, disability or death
23 allowance itself, any optional benefit, any other right accrued or
24 accruing to any person under the provisions of this chapter, and the
25 moneys in the fund created under this chapter, are hereby exempt from
26 any state, county, municipal, or other local tax and shall not be
27 subject to execution, garnishment, or any other process of law
28 whatsoever whether the same be in actual possession of the person or be
29 deposited or loaned.

30 (2) Subsection (1) of this section shall not be deemed to prohibit
31 a beneficiary of a retirement allowance from authorizing deductions
32 therefrom for payment of premiums due on any group insurance policy or
33 plan issued for the benefit of a group comprised of public employees of
34 the state of Washington.

1 (3) Deductions made in the past from retirement benefits are hereby
2 expressly recognized, ratified, and affirmed. Future deductions may
3 only be made in accordance with this section.

4 (4) Subsection (1) of this section shall not prohibit the
5 department of retirement systems from complying with (a) a wage
6 assignment order for child support issued pursuant to chapter 26.18
7 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW,
8 (c) an order to withhold and deliver issued pursuant to chapter 74.20A
9 RCW, (d) a mandatory benefits assignment order issued pursuant to
10 chapter 41.50 RCW, (e) a court order directing the department of
11 retirement systems to pay benefits directly to an obligee under a
12 dissolution order as defined in RCW 41.50.500(3) which fully complies
13 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
14 order expressly authorized by federal law.

15 **Sec. 18.** RCW 2.12.090 and 1991 c 365 s 19 are each amended to read
16 as follows:

17 (1) Except as provided in subsections (2), (3), and (4) of this
18 section, the right of any person to a retirement allowance or optional
19 retirement allowance under the provisions of this chapter and all
20 moneys and investments and income thereof are exempt from any state,
21 county, municipal, or other local tax and shall not be subject to
22 execution, garnishment, attachment, the operation of bankruptcy or the
23 insolvency laws, or other processes of law whatsoever whether the same
24 be in actual possession of the person or be deposited or loaned and
25 shall be unassignable except as herein specifically provided.

26 (2) Subsection (1) of this section shall not prohibit the
27 department of retirement systems from complying with (a) a wage
28 assignment order for child support issued pursuant to chapter 26.18
29 RCW, (b) a notice of payroll deduction issued under chapter 26.23 RCW,
30 (c) an order to withhold and deliver issued pursuant to chapter 74.20A
31 RCW, (d) a mandatory benefits assignment order issued pursuant to
32 chapter 41.50 RCW, (e) a court order directing the department of
33 retirement systems to pay benefits directly to an obligee under a
34 dissolution order as defined in RCW 41.50.500(3) which fully complies
35 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
36 order expressly authorized by federal law.

1 (3) Subsection (1) of this section shall not be deemed to prohibit
2 a beneficiary of a retirement allowance from authorizing deductions
3 therefrom for payment of premiums due on any group insurance policy or
4 plan issued for the benefit of a group comprised of public employees of
5 the state of Washington.

6 (4) Deductions made in the past from retirement benefits are hereby
7 expressly recognized, ratified, and affirmed. Future deductions may
8 only be made in accordance with this section.

9 **Sec. 19.** RCW 41.20.180 and 1979 ex.s. c 205 s 2 are each amended
10 to read as follows:

11 The right of a person to a pension, an annuity, or retirement
12 allowance, or disability allowance, or death benefits, or any optional
13 benefit, or any other right accrued or accruing to any person under the
14 provisions of this chapter, and any fund created hereby, and all moneys
15 and investments and income thereof, are exempt from any state, county,
16 municipal, or other local tax, and shall not be subject to execution,
17 garnishment, attachment, the operation of bankruptcy or insolvency
18 laws, or other process of law whatsoever, whether the same be in actual
19 possession of the person or be deposited or loaned and shall be
20 unassignable: PROVIDED, That benefits under this chapter shall be
21 payable to a spouse or ex-spouse to the extent expressly provided for
22 in any court decree of dissolution or legal separation or in any court
23 order or court-approved property settlement agreement incident to any
24 court decree of dissolution or legal separation.

25 **Sec. 20.** RCW 41.32.052 and 1991 c 365 s 21 and 1991 c 35 s 63 are
26 each reenacted and amended to read as follows:

27 (1) Subject to subsections (2) and (3) of this section, the right
28 of a person to a pension, an annuity, a retirement allowance, or
29 disability allowance, to the return of contributions, any optional
30 benefit or death benefit, any other right accrued or accruing to any
31 person under the provisions of this chapter and the moneys in the
32 various funds created by this chapter shall be unassignable, and are
33 hereby exempt from any state, county, municipal or other local tax, and
34 shall not be subject to execution, garnishment, attachment, the
35 operation of bankruptcy or insolvency laws, or other process of law

1 whatsoever whether the same be in actual possession of the person or be
2 deposited or loaned.

3 (2) This section shall not be deemed to prohibit a beneficiary of
4 a retirement allowance who is eligible:

5 (a) Under RCW 41.05.080 from authorizing monthly deductions
6 therefrom for payment of premiums due on any group insurance policy or
7 plan issued for the benefit of a group comprised of public employees of
8 the state of Washington or its political subdivisions;

9 (b) Under a group health care benefit plan approved pursuant to RCW
10 28A.400.350 or 41.05.065 from authorizing monthly deductions therefrom,
11 of the amount or amounts of subscription payments, premiums, or
12 contributions to any person, firm, or corporation furnishing or
13 providing medical, surgical, and hospital care or other health care
14 insurance; or

15 (c) Under this system from authorizing monthly deductions therefrom
16 for payment of dues and other membership fees to any retirement
17 association composed of retired teachers and/or public employees
18 pursuant to a written agreement between the director and the retirement
19 association.

20 Deductions under (a) and (b) of this subsection shall be made in
21 accordance with rules that may be adopted by the director.

22 (3) Subsection (1) of this section shall not prohibit the
23 department from complying with (a) a wage assignment order for child
24 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
25 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
26 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
27 benefits assignment order issued by the department, (e) a court order
28 directing the department of retirement systems to pay benefits directly
29 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
30 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
31 administrative or court order expressly authorized by federal law.

32 **Sec. 21.** RCW 41.26.053 and 1991 c 365 s 20 and 1991 c 35 s 25 are
33 each reenacted and amended to read as follows:

34 (1) Subject to subsections (2) and (3) of this section, the right
35 of a person to a retirement allowance, disability allowance, or death
36 benefit, to the return of accumulated contributions, the retirement,
37 disability or death allowance itself, any optional benefit, any other

1 right accrued or accruing to any person under the provisions of this
2 chapter, and the moneys in the fund created under this chapter, are
3 hereby exempt from any state, county, municipal, or other local tax and
4 shall not be subject to execution, garnishment, attachment, the
5 operation of bankruptcy or insolvency laws, or any other process of law
6 whatsoever, whether the same be in actual possession of the person or
7 be deposited or loaned and shall be unassignable.

8 (2) On the written request of any person eligible to receive
9 benefits under this section, the department may deduct from such
10 payments the premiums for life, health, or other insurance. The
11 request on behalf of any child or children shall be made by the legal
12 guardian of such child or children. The department may provide for
13 such persons one or more plans of group insurance, through contracts
14 with regularly constituted insurance carriers or health care service
15 contractors.

16 (3) Subsection (1) of this section shall not prohibit the
17 department from complying with (a) a wage assignment order for child
18 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
19 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
20 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
21 benefits assignment order issued by the department, (e) a court order
22 directing the department of retirement systems to pay benefits directly
23 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
24 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
25 administrative or court order expressly authorized by federal law.

26 **Sec. 22.** RCW 41.28.200 and 1939 c 207 s 21 are each amended to
27 read as follows:

28 The right of a person to a pension, an annuity or a retirement
29 allowance, to the return of contributions, the pension, annuity or
30 retirement allowance itself, any optional benefit, any other right
31 accrued or accruing to any person under the provisions of this chapter,
32 and the moneys in the fund created under this chapter shall not be
33 subject to execution, garnishment, attachment, or any other process
34 whatsoever, whether the same be in actual possession of the person or
35 be deposited or loaned and shall be unassignable except as in this
36 chapter specifically provided.

1 **Sec. 23.** RCW 41.34.080 and 2000 c 247 s 405 are each amended to
2 read as follows:

3 (1) Subject to subsections (2) and (3) of this section, the right
4 of a person to a pension, an annuity, a retirement allowance, any
5 optional benefit, any other right accrued or accruing to any person
6 under the provisions of this chapter, and the various funds created by
7 chapter 239, Laws of 1995; chapter 341, Laws of 1998; and chapter 247,
8 Laws of 2000 and all moneys and investments and income thereof, is
9 hereby exempt from any state, county, municipal, or other local tax,
10 and shall not be subject to execution, garnishment, attachment, the
11 operation of bankruptcy or insolvency laws, or other process of law
12 whatsoever, whether the same be in actual possession of the person or
13 be deposited or loaned and shall be unassignable.

14 (2) This section shall not be deemed to prohibit a beneficiary of
15 a retirement allowance from authorizing deductions therefrom for
16 payment of premiums due on any group insurance policy or plan issued
17 for the benefit of a group comprised of public employees of the state
18 of Washington or its political subdivisions and that has been approved
19 for deduction in accordance with rules that may be adopted by the state
20 health care authority and/or the department. This section shall not be
21 deemed to prohibit a beneficiary of a retirement allowance from
22 authorizing deductions therefrom for payment of dues and other
23 membership fees to any retirement association or organization the
24 membership of which is composed of retired public employees, if a total
25 of three hundred or more of such retired employees have authorized such
26 deduction for payment to the same retirement association or
27 organization.

28 (3) Subsection (1) of this section shall not prohibit the
29 department from complying with (a) a wage assignment order for child
30 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
31 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
32 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
33 benefits assignment order issued by the department, (e) a court order
34 directing the department to pay benefits directly to an obligee under
35 a dissolution order as defined in RCW 41.50.500(3) which fully complies
36 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
37 order expressly authorized by federal law.

1 **Sec. 24.** RCW 41.35.100 and 1998 c 341 s 11 are each amended to
2 read as follows:

3 (1) Subject to subsections (2) and (3) of this section, the right
4 of a person to a pension, an annuity, or retirement allowance, any
5 optional benefit, any other right accrued or accruing to any person
6 under the provisions of this chapter, the various funds created by this
7 chapter, and all moneys and investments and income thereof, are hereby
8 exempt from any state, county, municipal, or other local tax, and shall
9 not be subject to execution, garnishment, attachment, the operation of
10 bankruptcy or insolvency laws, or other process of law whatsoever,
11 whether the same be in actual possession of the person or be deposited
12 or loaned and shall be unassignable.

13 (2) This section does not prohibit a beneficiary of a retirement
14 allowance from authorizing deductions therefrom for payment of premiums
15 due on any group insurance policy or plan issued for the benefit of a
16 group comprised of public employees of the state of Washington or its
17 political subdivisions and which has been approved for deduction in
18 accordance with rules that may be adopted by the state health care
19 authority and/or the department. This section also does not prohibit
20 a beneficiary of a retirement allowance from authorizing deductions
21 therefrom for payment of dues and other membership fees to any
22 retirement association or organization the membership of which is
23 composed of retired public employees, if a total of three hundred or
24 more of such retired employees have authorized such deduction for
25 payment to the same retirement association or organization.

26 (3) Subsection (1) of this section does not prohibit the department
27 from complying with (a) a wage assignment order for child support
28 issued pursuant to chapter 26.18 RCW, (b) an order to withhold and
29 deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll
30 deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits
31 assignment order issued by the department, (e) a court order directing
32 the department of retirement systems to pay benefits directly to an
33 obligee under a dissolution order as defined in RCW 41.50.500(3) which
34 fully complies with RCW 41.50.670 and 41.50.700, or (f) any
35 administrative or court order expressly authorized by federal law.

36 **Sec. 25.** RCW 41.37.090 and 2004 c 242 s 12 are each amended to
37 read as follows:

1 (1) Subject to subsections (2) and (3) of this section, the right
2 of a person to a pension, an annuity, or retirement allowance, any
3 optional benefit, any other right accrued or accruing to any person
4 under this chapter, the various funds created by this chapter, and all
5 moneys and investments and income thereof, are hereby exempt from any
6 state, county, municipal, or other local tax, and shall not be subject
7 to execution, garnishment, attachment, the operation of bankruptcy or
8 insolvency laws, or other process of law whatsoever, whether the same
9 be in actual possession of the person or be deposited or loaned and
10 shall be unassignable.

11 (2) This section does not prohibit a beneficiary of a retirement
12 allowance from authorizing deductions therefrom for payment of premiums
13 due on any group insurance policy or plan issued for the benefit of a
14 group comprised of public employees of the state of Washington or its
15 political subdivisions and which has been approved for deduction in
16 accordance with rules that may be adopted by the state health care
17 authority and/or the department. This section also does not prohibit
18 a beneficiary of a retirement allowance from authorizing deductions
19 therefrom for payment of dues and other membership fees to any
20 retirement association or organization the membership of which is
21 composed of retired public employees, if a total of three hundred or
22 more retired employees have authorized the deduction for payment to the
23 same retirement association or organization.

24 (3) Subsection (1) of this section does not prohibit the department
25 from complying with (a) a wage assignment order for child support
26 issued pursuant to chapter 26.18 RCW, (b) an order to withhold and
27 deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll
28 deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits
29 assignment order issued by the department, (e) a court order directing
30 the department to pay benefits directly to an obligee under a
31 dissolution order as defined in RCW 41.50.500(3) which fully complies
32 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
33 order expressly authorized by federal law.

34 **Sec. 26.** RCW 41.40.052 and 1999 c 83 s 1 are each amended to read
35 as follows:

36 (1) Subject to subsections (2) and (3) of this section, the right
37 of a person to a pension, an annuity, or retirement allowance, any

1 optional benefit, any other right accrued or accruing to any person
2 under the provisions of this chapter, the various funds created by this
3 chapter, and all moneys and investments and income thereof, are hereby
4 exempt from any state, county, municipal, or other local tax, and shall
5 not be subject to execution, garnishment, attachment, the operation of
6 bankruptcy or insolvency laws, or other process of law whatsoever,
7 whether the same be in actual possession of the person or be deposited
8 or loaned and shall be unassignable.

9 (2)(a) This section shall not be deemed to prohibit a beneficiary
10 of a retirement allowance from authorizing deductions therefrom for
11 payment of premiums due on any group insurance policy or plan issued
12 for the benefit of a group comprised of public employees of the state
13 of Washington or its political subdivisions and which has been approved
14 for deduction in accordance with rules that may be adopted by the state
15 health care authority and/or the department, and this section shall not
16 be deemed to prohibit a beneficiary of a retirement allowance from
17 authorizing deductions therefrom for payment of dues and other
18 membership fees to any retirement association or organization the
19 membership of which is composed of retired public employees, if a total
20 of three hundred or more of such retired employees have authorized such
21 deduction for payment to the same retirement association or
22 organization.

23 (b) This section does not prohibit a beneficiary of a retirement
24 allowance from authorizing deductions from that allowance for
25 charitable purposes on the same terms as employees and public officers
26 under RCW 41.04.035 and 41.04.036.

27 (3) Subsection (1) of this section shall not prohibit the
28 department from complying with (a) a wage assignment order for child
29 support issued pursuant to chapter 26.18 RCW, (b) an order to withhold
30 and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of
31 payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory
32 benefits assignment order issued by the department, (e) a court order
33 directing the department of retirement systems to pay benefits directly
34 to an obligee under a dissolution order as defined in RCW 41.50.500(3)
35 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
36 administrative or court order expressly authorized by federal law.

1 **Sec. 27.** RCW 41.44.240 and 1989 c 360 s 28 are each amended to
2 read as follows:

3 The right of a person to a pension, annuity or a retirement
4 allowance, to the return of contribution, the pension, annuity or
5 retirement allowance itself, any optional benefit, any other right
6 accrued or accruing to any person under the provisions of this chapter,
7 and the moneys in the fund created under this chapter shall not be
8 subject to execution, garnishment, or any other process whatsoever
9 whether the same be in actual possession of the person or be deposited
10 or loaned. This section shall not apply to child support collection
11 actions taken under chapter 26.18, 26.23, or 74.20A RCW against
12 benefits payable under any such plan or arrangement. Benefits under
13 this chapter shall be payable to a spouse or ex-spouse to the extent
14 expressly provided for in any court decree of dissolution or legal
15 separation or in any court order or court-approved property settlement
16 agreement incident to any court decree of dissolution or legal
17 separation.

18 **Sec. 28.** RCW 43.43.310 and 1991 c 365 s 23 are each amended to
19 read as follows:

20 (1) Except as provided in subsections (2) and (3) of this section,
21 the right of any person to a retirement allowance or optional
22 retirement allowance under the provisions hereof and all moneys and
23 investments and income thereof are exempt from any state, county,
24 municipal, or other local tax and shall not be subject to execution,
25 garnishment, attachment, the operation of bankruptcy or the insolvency
26 laws, or other processes of law whatsoever, whether the same be in
27 actual possession of the person or be deposited or loaned and shall be
28 unassignable except as herein specifically provided.

29 (2) Subsection (1) of this section shall not prohibit the
30 department of retirement systems from complying with (a) a wage
31 assignment order for child support issued pursuant to chapter 26.18
32 RCW, (b) an order to withhold and deliver issued pursuant to chapter
33 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW
34 26.23.060, (d) a mandatory benefits assignment order issued pursuant to
35 chapter 41.50 RCW, (e) a court order directing the department of
36 retirement systems to pay benefits directly to an obligee under a

1 dissolution order as defined in RCW 41.50.500(3) which fully complies
2 with RCW 41.50.670 and 41.50.700, or (f) any administrative or court
3 order expressly authorized by federal law.

4 (3) Subsection (1) of this section shall not be deemed to prohibit
5 a beneficiary of a retirement allowance from authorizing deductions
6 therefrom for payment of premiums due on any group insurance policy or
7 plan issued for the benefit of a group comprised of members of the
8 Washington state patrol or other public employees of the state of
9 Washington, or for contributions to the Washington state patrol
10 memorial foundation.

11 NEW SECTION. **Sec. 29.** Section 7 of this act expires January 1,
12 2018.

13 NEW SECTION. **Sec. 30.** Section 8 of this act takes effect January
14 1, 2018."

SHB 1552 - S COMM AMD
By Committee on Judiciary

ADOPTED 03/01/2012

15 On page 1, line 1 of the amendment, after "garnishment;" strike the
16 remainder of the title and insert "amending RCW 6.27.010, 6.27.090,
17 6.27.100, 6.27.340, 6.27.110, 6.27.140, 6.27.140, 6.27.150, 6.27.190,
18 6.27.200, 6.27.250, 6.27.330, 6.27.350, 6.27.360, 6.27.370, 2.10.180,
19 2.12.090, 41.20.180, 41.28.200, 41.34.080, 41.35.100, 41.37.090,
20 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW
21 41.32.052 and 41.26.053; adding a new section to chapter 6.27 RCW;
22 providing an effective date; and providing an expiration date."

--- END ---