

SHB 1602 - S COMM AMD

By Committee on Law & Justice

ADOPTED 04/15/2019

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

3 **"Sec. 1.** RCW 4.56.110 and 2018 c 199 s 201 are each amended to
4 read as follows:

5 Interest on judgments shall accrue as follows:

6 (1) Judgments founded on written contracts, providing for the
7 payment of interest until paid at a specified rate, shall bear
8 interest at the rate specified in the contracts: PROVIDED, That said
9 interest rate is set forth in the judgment.

10 (2) All judgments for unpaid child support that have accrued
11 under a superior court order or an order entered under the
12 administrative procedure act shall bear interest at the rate of
13 twelve percent.

14 (3)(a) Judgments founded on the tortious conduct of a "public
15 agency" as defined in RCW 42.30.020 shall bear interest from the date
16 of entry at two percentage points above the equivalent coupon issue
17 yield, as published by the board of governors of the federal reserve
18 system, of the average bill rate for twenty-six week treasury bills
19 as determined at the first bill market auction conducted during the
20 calendar month immediately preceding the date of entry. In any case
21 where a court is directed on review to enter judgment on a verdict or
22 in any case where a judgment entered on a verdict is wholly or partly
23 affirmed on review, interest on the judgment or on that portion of
24 the judgment affirmed shall date back to and shall accrue from the
25 date the verdict was rendered.

26 (b) Except as provided in (a) of this subsection, judgments
27 founded on the tortious conduct of individuals or other entities,
28 whether acting in their personal or representative capacities, shall
29 bear interest from the date of entry at two percentage points above
30 the prime rate, as published by the board of governors of the federal
31 reserve system on the first business day of the calendar month
32 immediately preceding the date of entry. In any case where a court is

1 directed on review to enter judgment on a verdict or in any case
2 where a judgment entered on a verdict is wholly or partly affirmed on
3 review, interest on the judgment or on that portion of the judgment
4 affirmed shall date back to and shall accrue from the date the
5 verdict was rendered.

6 (4) Except as provided under subsection (1) of this section,
7 judgments for unpaid private student loan debt, as defined in RCW
8 6.01.060, shall bear interest from the date of entry at two
9 percentage points above the prime rate, as published by the board of
10 governors of the federal reserve system on the first business day of
11 the calendar month immediately preceding the date of entry.

12 (5) Except as provided under subsection (1) of this section,
13 judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall
14 bear interest from the date of entry at a rate of nine percent.

15 (6) Except as provided under subsections (1) (~~(2), (3), and~~
16 ~~(4)) through (5) of this section, judgments shall bear interest from~~
17 the date of entry at the maximum rate permitted under RCW 19.52.020
18 on the date of entry thereof. In any case where a court is directed
19 on review to enter judgment on a verdict or in any case where a
20 judgment entered on a verdict is wholly or partly affirmed on review,
21 interest on the judgment or on that portion of the judgment affirmed
22 shall date back to and shall accrue from the date the verdict was
23 rendered. The method for determining an interest rate prescribed by
24 this subsection is also the method for determining the "rate
25 applicable to civil judgments" for purposes of RCW 10.82.090.

26 **Sec. 2.** RCW 6.01.060 and 2018 c 199 s 202 are each amended to
27 read as follows:

28 The definitions in this section apply throughout this title
29 unless the context clearly requires otherwise.

30 (1) "Certified mail" includes, for mailings to a foreign country,
31 any form of mail that requires or permits a return receipt.

32 (2) "Consumer debt" means any obligation or alleged obligation of
33 a consumer to pay money arising out of a transaction in which the
34 money, property, insurance, or services which are the subject of the
35 transaction are primarily for personal, family, or household
36 purposes. Consumer debt includes medical debt.

37 (3) "Private student loan" means any loan not guaranteed by the
38 federal or state government that is used solely for personal use to
39 finance postsecondary education and costs of attendance at an

1 educational institution. A private student loan includes a loan made
2 solely to refinance a private student loan. A private student loan
3 does not include an extension of credit made under an open-end
4 consumer credit plan, a reverse mortgage transaction, a residential
5 mortgage transaction, or any other loan that is secured by real
6 property or a dwelling.

7 **Sec. 3.** RCW 6.15.010 and 2018 c 199 s 203 are each amended to
8 read as follows:

9 (1) Except as provided in RCW 6.15.050, the following personal
10 property is exempt from execution, attachment, and garnishment:

11 (a) All wearing apparel of every individual and family, but not
12 to exceed three thousand five hundred dollars in value in furs,
13 jewelry, and personal ornaments for any individual.

14 (b) All private libraries including electronic media, which
15 includes audiovisual, entertainment, or reference media in digital or
16 analogue format, of every individual, but not to exceed three
17 thousand five hundred dollars in value, and all family pictures and
18 keepsakes.

19 (c) A cell phone, personal computer, and printer.

20 (d) To each individual or, as to community property of spouses
21 maintaining a single household as against a creditor of the
22 community, to the community:

23 (i) The individual's or community's household goods, appliances,
24 furniture, and home and yard equipment, not to exceed six thousand
25 five hundred dollars in value for the individual or thirteen thousand
26 dollars for the community, no single item to exceed seven hundred
27 fifty dollars, said amount to include provisions and fuel for the
28 comfortable maintenance of the individual or community;

29 (ii) Other personal property, except personal earnings as
30 provided under RCW 6.15.050(1), not to exceed three thousand dollars
31 in value, of which not more than one thousand five hundred dollars in
32 value may consist of cash, and of which not more than:

33 (A) For all debts except private student loan debt and consumer
34 debt, five hundred dollars in value may consist of bank accounts,
35 savings and loan accounts, stocks, bonds, or other securities. The
36 maximum exemption under this subsection (1)(d)(ii)(A) may not exceed
37 five hundred dollars, regardless of the number of existing separate
38 bank accounts, savings and loan accounts, stocks, bonds, or other
39 securities.

1 (B) For all private student loan debt, two thousand five hundred
2 dollars in value may consist of bank accounts, savings and loan
3 accounts, stocks, bonds, or other securities. The maximum exemption
4 under this subsection (1)(d)(ii)(B) may not exceed two thousand five
5 hundred dollars, regardless of the number of existing separate bank
6 accounts, savings and loan accounts, stocks, bonds, or other
7 securities.

8 (C) For all consumer debt, two thousand dollars in value may
9 consist of bank accounts, savings and loan accounts, stocks, bonds,
10 or other securities. The maximum exemption under this subsection
11 (1)(d)(ii)(C) may not exceed two thousand dollars, regardless of the
12 number of existing separate bank accounts, savings and loan accounts,
13 stocks, bonds, or other securities;

14 (iii) For an individual, a motor vehicle used for personal
15 transportation, not to exceed three thousand two hundred fifty
16 dollars or for a community two motor vehicles used for personal
17 transportation, not to exceed six thousand five hundred dollars in
18 aggregate value;

19 (iv) Any past due, current, or future child support paid or owed
20 to the debtor, which can be traced;

21 (v) All professionally prescribed health aids for the debtor or a
22 dependent of the debtor; and

23 (vi) To any individual, the right to or proceeds of a payment not
24 to exceed twenty thousand dollars on account of personal bodily
25 injury, not including pain and suffering or compensation for actual
26 pecuniary loss, of the debtor or an individual of whom the debtor is
27 a dependent; or the right to or proceeds of a payment in compensation
28 of loss of future earnings of the debtor or an individual of whom the
29 debtor is or was a dependent, to the extent reasonably necessary for
30 the support of the debtor and any dependent of the debtor. The
31 exemption under this subsection (1)(d)(vi) does not apply to the
32 right of the state of Washington, or any agent or assignee of the
33 state, as a lienholder or subrogee under RCW 43.20B.060.

34 (e) To each qualified individual, one of the following
35 exemptions:

36 (i) To a farmer, farm trucks, farm stock, farm tools, farm
37 equipment, supplies and seed, not to exceed ten thousand dollars in
38 value;

39 (ii) To a physician, surgeon, attorney, member of the clergy, or
40 other professional person, the individual's library, office

1 furniture, office equipment and supplies, not to exceed ten thousand
2 dollars in value;

3 (iii) To any other individual, the tools and instruments and
4 materials used to carry on his or her trade for the support of
5 himself or herself or family, not to exceed ten thousand dollars in
6 value.

7 (f) Tuition units, under chapter 28B.95 RCW, purchased more than
8 two years prior to the date of a bankruptcy filing or court judgment,
9 and contributions to any other qualified tuition program under 26
10 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and
11 to a Coverdell education savings account, also known as an education
12 individual retirement account, under 26 U.S.C. Sec. 530 of the
13 internal revenue code of 1986, as amended, contributed more than two
14 years prior to the date of a bankruptcy filing or court judgment.

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

19 **Sec. 4.** RCW 6.27.100 and 2018 c 199 s 204 are each amended to
20 read as follows:

21 (1) A writ issued for a continuing lien on earnings shall be
22 substantially in the form provided in RCW 6.27.105. All other writs
23 of garnishment shall be substantially in the following form, but:

24 (a) If the writ is issued under an order or judgment for child
25 support, the following statement shall appear conspicuously in the
26 caption: "This garnishment is based on a judgment or order for child
27 support";

28 (b) If the writ is issued under an order or judgment for private
29 student loan debt, the following statement shall appear conspicuously
30 in the caption: "This garnishment is based on a judgment or order for
31 private student loan debt"; (~~and~~)

32 (c) If the writ is issued under an order or judgment for consumer
33 debt, the following statement shall appear conspicuously in the
34 caption: "This garnishment is based on a judgment or order for
35 consumer debt"; and

36 (d) If the writ is issued by an attorney, the writ shall be
37 revised as indicated in subsection (2) of this section:

1 "IN THE COURT
2 OF THE STATE OF WASHINGTON IN AND FOR
3 THE COUNTY OF

4 ,
5 Plaintiff, No.
6 vs.
7 , WRIT OF
8 Defendant, GARNISHMENT
9 ,
10 Garnishee

11 THE STATE OF WASHINGTON TO:
12 Garnishee
13 AND TO:
14 Defendant

15 The above-named plaintiff has applied for a writ of
16 garnishment against you, claiming that the above-named
17 defendant is indebted to plaintiff and that the amount to
18 be held to satisfy that indebtedness is \$,
19 consisting of:

20	Balance on Judgment or Amount of Claim	\$....
21	Interest under Judgment from to	\$....
22	Per Day Rate of Estimated Interest	\$....
23		per day
24	Taxable Costs and Attorneys' Fees	\$....
25	Estimated Garnishment Costs:	
26	Filing and Ex Parte Fees	\$....
27	Service and Affidavit Fees	\$....
28	Postage and Costs of Certified Mail	\$....
29	Answer Fee or Fees	\$....
30	Garnishment Attorney Fee	\$....
31	Other	\$....

32 YOU ARE HEREBY COMMANDED, unless otherwise directed by the court,
33 by the attorney of record for the plaintiff, or by this writ, not to
34 pay any debt, whether earnings subject to this garnishment or any
35 other debt, owed to the defendant at the time this writ was served

1 and not to deliver, sell, or transfer, or recognize any sale or
2 transfer of, any personal property or effects of the defendant in
3 your possession or control at the time when this writ was served. Any
4 such payment, delivery, sale, or transfer is void to the extent
5 necessary to satisfy the plaintiff's claim and costs for this writ
6 with interest.

7 YOU ARE FURTHER COMMANDED to answer this writ according to the
8 instructions in this writ and in the answer forms and, within twenty
9 days after the service of the writ upon you, to mail or deliver the
10 original of such answer to the court, one copy to the plaintiff or
11 the plaintiff's attorney, and one copy to the defendant, at the
12 addresses listed at the bottom of this writ.

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

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

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

26 Witness, the Honorable, Judge of the above-
27 entitled Court, and the seal thereof, this day
28 of, (year)

29 [Seal]

30	.....	.....
31	Attorney for	Clerk of
32	Plaintiff (or	the Court
33	Plaintiff, if no	
34	attorney)	
35
36	Address	By
37
38	Name of Defendant	Address"

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2

Address of Defendant

3 (2) If an attorney issues the writ of garnishment, the final
4 paragraph of the writ, containing the date, and the subscribed
5 attorney and clerk provisions, shall be replaced with text in
6 substantially the following form:

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

11 Dated thisday of....., (year)

12

13 Attorney for Plaintiff

14

15 Address Address of the Clerk of the
16 Court"

17

18 Name of Defendant

19

20 Address of Defendant

21 **Sec. 5.** RCW 6.27.105 and 2018 c 199 s 205 are each amended to
22 read as follows:

23 (1) A writ that is issued for a continuing lien on earnings shall
24 be substantially in the following form, but:

25 (a) If the writ is issued under an order or judgment for child
26 support, the following statement shall appear conspicuously in the
27 caption: "This garnishment is based on a judgment or order for child
28 support";

29 (b) If the writ is issued under an order or judgment for private
30 student loan debt, the following statement shall appear conspicuously
31 in the caption: "This garnishment is based on a judgment or order for
32 private student loan debt"; (~~and~~)

33 (c) If the writ is issued under an order or judgment for consumer
34 debt, the following statement shall appear conspicuously in the
35 caption: "This garnishment is based on a judgment or order for
36 consumer debt"; and

1 (d) If the writ is issued by an attorney, the writ shall be
2 revised as indicated in subsection (2) of this section:

3 "IN THE COURT
4 OF THE STATE OF WASHINGTON IN AND FOR
5 THE COUNTY OF

6

7 Plaintiff, No.

8 vs.

9

WRIT OF

10 Defendant

GARNISHMENT FOR

11 CONTINUING LIEN ON

12

EARNINGS

13 Garnishee

14 THE STATE OF WASHINGTON TO:.....

Garnishee

15 AND TO:.....

16 Defendant

17
18 The above-named plaintiff has applied for a writ of
19 garnishment against you, claiming that the above-named
20 defendant is indebted to plaintiff and that the amount to
21 be held to satisfy that indebtedness is \$,
22 consisting of:

23	Balance on Judgment or Amount of Claim	\$
24	Interest under Judgment from to	\$
25	Per Day Rate of Estimated Interest	\$
26		per day
27	Taxable Costs and Attorneys' Fees	\$
28	Estimated Garnishment Costs:	
29	Filing and Ex Parte Fees	\$
30	Service and Affidavit Fees	\$
31	Postage and Costs of Certified Mail	\$
32	Answer Fee or Fees	\$
33	Garnishment Attorney Fee	\$
34	Other	\$

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

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

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

31 If, at the time this writ was served, you owed the defendant any
32 earnings (that is, wages, salary, commission, bonus, tips, or other
33 compensation for personal services or any periodic payments pursuant
34 to a nongovernmental pension or retirement program), the defendant is
35 entitled to receive amounts that are exempt from garnishment under
36 federal and state law. You must pay the exempt amounts to the
37 defendant on the day you would customarily pay the compensation or
38 other periodic payment. As more fully explained in the answer, the
39 basic exempt amount is the greater of seventy-five percent of

1 disposable earnings or a minimum amount determined by reference to
2 the employee's pay period, to be calculated as provided in the
3 answer. However, if this writ carries a statement in the heading of
4 (~~either~~) "This garnishment is based on a judgment or order for
5 child support," the basic exempt amount is fifty percent of
6 disposable earnings; (~~or~~) and if this writ carries a statement in
7 the heading of "This garnishment is based on a judgment or order for
8 private student loan debt," the basic exempt amount is the greater of
9 eighty-five percent of disposable earnings or fifty times the minimum
10 hourly wage of the highest minimum wage law in the state at the time
11 the earnings are payable; and if this writ carries a statement in the
12 heading of "This garnishment is based on a judgment or order for
13 consumer debt," the basic exempt amount is the greater of eighty
14 percent of disposable earnings or thirty-five times the state minimum
15 hourly wage.

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

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

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

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

33 Witness, the Honorable, Judge of the above-
34 entitled Court, and the seal thereof, this day
35 of, (year)

36 [Seal]

37

1 Attorney for Clerk of
2 Plaintiff (or the Court
3 Plaintiff, if no
4 attorney)
5
6 Address By
7
8 Name of Defendant Address"
9
10 Address of Defendant

11 (2) If an attorney issues the writ of garnishment, the final
12 paragraph of the writ, containing the date, and the subscribed
13 attorney and clerk provisions, shall be replaced with text in
14 substantially the following form:

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

19 Dated thisday of....., (year)
20
21 Attorney for Plaintiff
22
23 Address Address of the Clerk of the
24 Court"
25
26 Name of Defendant
27
28 Address of Defendant

29 **Sec. 6.** RCW 6.27.140 and 2018 c 199 s 206 are each amended to
30 read as follows:

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

34 NOTICE OF GARNISHMENT

1 AND OF YOUR RIGHTS

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

9 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

10 WAGES. If the garnishee is your employer who owes wages or
11 other personal earnings to you, your employer is required to
12 pay amounts to you that are exempt under state and federal
13 laws, as explained in the writ of garnishment. You should
14 receive a copy of your employer's answer, which will show how
15 the exempt amount was calculated. If the garnishment is for
16 child support, the exempt amount paid to you will be a
17 percent of your disposable earnings, which is fifty percent
18 of that part of your earnings remaining after your employer
19 deducts those amounts which are required by law to be
20 withheld. If the garnishment is for private student loan
21 debt, the exempt amount paid to you will be the greater of
22 the following: A percent of your disposable earnings, which
23 is eighty-five percent of the part of your earnings remaining
24 after your employer deducts those amounts which are required
25 by law to be withheld, or fifty times the minimum hourly wage
26 of the highest minimum wage law in the state at the time the
27 earnings are payable. If the garnishment is for consumer
28 debt, the exempt amount paid to you will be the greater of
29 the following: A percent of your disposable earnings, which
30 is eighty percent of the part of your earnings remaining
31 after your employer deducts those amounts which are required
32 by law to be withheld, or thirty-five times the state minimum
33 hourly wage.

34 BANK ACCOUNTS. If the garnishee is a bank or other
35 institution with which you have an account in which you have
36 deposited benefits such as Temporary Assistance for Needy
37 Families, Supplemental Security Income (SSI), Social
38 Security, veterans' benefits, unemployment compensation, or

1 any federally qualified pension, such as a state or federal
2 pension, individual retirement account (IRA), or 401K plan,
3 you may claim the account as fully exempt if you have
4 deposited only such benefit funds in the account. It may be
5 partially exempt even though you have deposited money from
6 other sources in the same account. An exemption is also
7 available under RCW 26.16.200, providing that funds in a
8 community bank account that can be identified as the earnings
9 of a stepparent are exempt from a garnishment on the child
10 support obligation of the parent.

11 OTHER EXEMPTIONS. If the garnishee holds other property of
12 yours, some or all of it may be exempt under RCW 6.15.010, a
13 Washington statute that exempts certain property of your
14 choice (including up to \$2,500.00 in a bank account if you
15 owe on private student loan debts; up to \$2,000.00 in a bank
16 account if you owe on consumer debts; or up to \$500.00 in a
17 bank account for all other debts) and certain other property
18 such as household furnishings, tools of trade, and a motor
19 vehicle (all limited by differing dollar values).

20 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
21 mail or deliver it as described in instructions on the claim
22 form. If the plaintiff does not object to your claim, the
23 funds or other property that you have claimed as exempt must
24 be released not later than 10 days after the plaintiff
25 receives your claim form. If the plaintiff objects, the law
26 requires a hearing not later than 14 days after the plaintiff
27 receives your claim form, and notice of the objection and
28 hearing date will be mailed to you at the address that you
29 put on the claim form.

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

34 (2)(a) If the writ is to garnish funds or property held by a
35 financial institution, the claim form required by RCW 6.27.130(1) to
36 be mailed to or served on an individual judgment debtor shall be in
37 the following form, printed or typed in no smaller than size twelve
38 point font:

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

Name of Court

..... No

Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,

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.

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.....
Address Address
(if different from yours)
.....
Telephone number Telephone number
(if different from yours)

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

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

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

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

.....
Name of Court
..... No.....
Plaintiff,
vs.
..... EXEMPTION CLAIM
Defendant,
.....
Garnishee Defendant

INSTRUCTIONS:

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- 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.
 IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

I claim maximum exemption.
IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

I claim maximum exemption.

1	Print: Your name	If married or in a state
2		registered domestic
3		partnership,
4		name of husband/wife/state
5		registered domestic partner
6	.....	.....
7	Your signature	Signature of husband,
8		wife, or state registered
9		domestic partner
10	.....	.....
11	.....	.....
12	Address	Address
13		(if different from yours)
14	.....	.....
15	Telephone number	Telephone number
16		(if different from yours)

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

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

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

30 (d) If the writ under (b) of this subsection is not a writ for
 31 the collection of private student loan debt, the exemption language
 32 pertaining to private student loan debt may be omitted.

33 (e) If the writ under (b) of this subsection is not a writ for
 34 the collection of consumer debt, the exemption language pertaining to
 35 consumer debt may be omitted.

1 **Sec. 7.** RCW 6.27.150 and 2018 c 199 s 207 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (2) and (3) of this
4 section, if the garnishee is an employer owing the defendant
5 earnings, then for each week of such earnings, an amount shall be
6 exempt from garnishment which is the greatest of the following:

7 (a) Thirty-five times the federal minimum hourly wage in effect
8 at the time the earnings are payable; or

9 (b) Seventy-five percent of the disposable earnings of the
10 defendant.

11 (2) In the case of a garnishment based on a judgment or other
12 order for child support or court order for spousal maintenance, other
13 than a mandatory wage assignment order pursuant to chapter 26.18 RCW,
14 or a mandatory assignment of retirement benefits pursuant to chapter
15 41.50 RCW, the exemption shall be fifty percent of the disposable
16 earnings of the defendant.

17 (3) In the case of a garnishment based on a judgment or other
18 order for the collection of private student loan debt, for each week
19 of such earnings, an amount shall be exempt from garnishment which is
20 the greater of the following:

21 (a) Fifty times the minimum hourly wage of the highest minimum
22 wage law in the state at the time the earnings are payable; or

23 (b) Eighty-five percent of the disposable earnings of the
24 defendant.

25 (4) In the case of a garnishment based on a judgment or other
26 order for the collection of consumer debt, for each week of such
27 earnings, an amount shall be exempt from garnishment which is the
28 greater of the following:

29 (a) Thirty-five times the state minimum hourly wage; or

30 (b) Eighty percent of the disposable earnings of the defendant.

31 (5) The exemptions stated in this section shall apply whether
32 such earnings are paid, or are to be paid, weekly, monthly, or at
33 other intervals, and whether earnings are due the defendant for one
34 week, a portion thereof, or for a longer period.

35 ~~((5))~~ (6) Unless directed otherwise by the court, the garnishee
36 shall determine and deduct exempt amounts under this section as
37 directed in the writ of garnishment and answer, and shall pay these
38 amounts to the defendant.

1 (~~(6)~~) (7) No money due or earned as earnings as defined in RCW
2 6.27.010 shall be exempt from garnishment under the provisions of RCW
3 6.15.010, as now or hereafter amended."

SHB 1602 - S COMM AMD

By Committee on Law & Justice

ADOPTED 04/15/2019

4 On page 1, line 1 of the title, after "debt;" strike the
5 remainder of the title and insert "and amending RCW 4.56.110,
6 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150."

EFFECT: Clarifies that the definition of consumer debt also includes medical debt, as defined in SHB 1531.

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