
HOUSE BILL 1602

State of Washington

66th Legislature

2019 Regular Session

By Representatives Reeves, Walen, Jinkins, Appleton, Ryu, Morgan, Orwall, Ortiz-Self, Hudgins, and Ormsby

Read first time 01/25/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to consumer debt; and amending RCW 4.56.110,
2 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150.

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

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

6 Interest on judgments shall accrue as follows:

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

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

15 (3)(a) Judgments founded on the tortious conduct of a "public
16 agency" as defined in RCW 42.30.020 shall bear interest from the date
17 of entry at two percentage points above the equivalent coupon issue
18 yield, as published by the board of governors of the federal reserve
19 system, of the average bill rate for twenty-six week treasury bills
20 as determined at the first bill market auction conducted during the
21 calendar month immediately preceding the date of entry. In any case

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

6 (b) Except as provided in (a) of this subsection, judgments
7 founded on the tortious conduct of individuals or other entities,
8 whether acting in their personal or representative capacities, shall
9 bear interest from the date of entry at two percentage points above
10 the prime rate, as published by the board of governors of the federal
11 reserve system on the first business day of the calendar month
12 immediately preceding the date of entry. In any case where a court is
13 directed on review to enter judgment on a verdict or in any case
14 where a judgment entered on a verdict is wholly or partly affirmed on
15 review, interest on the judgment or on that portion of the judgment
16 affirmed shall date back to and shall accrue from the date the
17 verdict was rendered.

18 (4) Except as provided under subsection (1) of this section,
19 judgments for unpaid private student loan debt or unpaid consumer
20 debt, as each are defined in RCW 6.01.060, shall bear interest from
21 the date of entry at two percentage points above the prime rate, as
22 published by the board of governors of the federal reserve system on
23 the first business day of the calendar month immediately preceding
24 the date of entry.

25 (5) Except as provided under subsections (1), (2), (3), and (4)
26 of this section, judgments shall bear interest from the date of entry
27 at the maximum rate permitted under RCW 19.52.020 on the date of
28 entry thereof. In any case where a court is directed on review to
29 enter judgment on a verdict or in any case where a judgment entered
30 on a verdict is wholly or partly affirmed on review, interest on the
31 judgment or on that portion of the judgment affirmed shall date back
32 to and shall accrue from the date the verdict was rendered. The
33 method for determining an interest rate prescribed by this subsection
34 is also the method for determining the "rate applicable to civil
35 judgments" for purposes of RCW 10.82.090.

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

38 The definitions in this section apply throughout this title
39 unless the context clearly requires otherwise.

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

3 (2) "Consumer debt" means any obligation or alleged obligation of
4 a consumer to pay money arising out of a transaction in which the
5 money, property, insurance, or services which are the subject of the
6 transaction are primarily for personal, family, or household
7 purposes.

8 (3) "Private student loan" means any loan not guaranteed by the
9 federal or state government that is used solely for personal use to
10 finance postsecondary education and costs of attendance at an
11 educational institution. A private student loan includes a loan made
12 solely to refinance a private student loan. A private student loan
13 does not include an extension of credit made under an open-end
14 consumer credit plan, a reverse mortgage transaction, a residential
15 mortgage transaction, or any other loan that is secured by real
16 property or a dwelling.

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

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

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

24 (b) All private libraries including electronic media, which
25 includes audiovisual, entertainment, or reference media in digital or
26 analogue format, of every individual, but not to exceed three
27 thousand five hundred dollars in value, and all family pictures and
28 keepsakes.

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

30 (d) To each individual or, as to community property of spouses
31 maintaining a single household as against a creditor of the
32 community, to the community:

33 (i) The individual's or community's household goods, appliances,
34 furniture, and home and yard equipment, not to exceed six thousand
35 five hundred dollars in value for the individual or thirteen thousand
36 dollars for the community, no single item to exceed seven hundred
37 fifty dollars, said amount to include provisions and fuel for the
38 comfortable maintenance of the individual or community;

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

5 (A) For all debts except private student loan debt and consumer
6 debt, five hundred dollars in value may consist of bank accounts,
7 savings and loan accounts, stocks, bonds, or other securities. The
8 maximum exemption under this subsection (1)(d)(ii)(A) may not exceed
9 five hundred dollars, regardless of the number of existing separate
10 bank accounts, savings and loan accounts, stocks, bonds, or other
11 securities.

12 (B) For all private student loan debt and consumer debt, two
13 thousand five hundred dollars in value may consist of bank accounts,
14 savings and loan accounts, stocks, bonds, or other securities. The
15 maximum exemption under this subsection (1)(d)(ii)(B) may not exceed
16 two thousand five hundred dollars, regardless of the number of
17 existing separate bank accounts, savings and loan accounts, stocks,
18 bonds, or other securities;

19 (iii) For an individual, a motor vehicle used for personal
20 transportation, not to exceed three thousand two hundred fifty
21 dollars or for a community two motor vehicles used for personal
22 transportation, not to exceed six thousand five hundred dollars in
23 aggregate value;

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

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

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

39 (e) To each qualified individual, one of the following
40 exemptions:

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

4 (ii) To a physician, surgeon, attorney, member of the clergy, or
5 other professional person, the individual's library, office
6 furniture, office equipment and supplies, not to exceed ten thousand
7 dollars in value;

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

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

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

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

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

29 (a) If the writ is issued under an order or judgment for child
30 support, the following statement shall appear conspicuously in the
31 caption: "This garnishment is based on a judgment or order for child
32 support";

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

37 (c) If the writ is issued under an order or judgment for consumer
38 debt, the following statement shall appear conspicuously in the

1 caption: "This garnishment is based on a judgment or order for
2 consumer debt"; and

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

5 "IN THE COURT
6 OF THE STATE OF WASHINGTON IN AND FOR
7 THE COUNTY OF

8 ,
9 Plaintiff, No.

10 vs.

11 , WRIT OF
12 Defendant, GARNISHMENT

13 ,
14 Garnishee

15 THE STATE OF WASHINGTON TO:
16 Garnishee

17 AND TO:
18 Defendant

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

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

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

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

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

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

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

30 Witness, the Honorable, Judge of the above-
31 entitled Court, and the seal thereof, this day
32 of, (year)

33 [Seal]

34
35 Attorney for Clerk of
36 Plaintiff (or the Court
37 Plaintiff, if no
38 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....., (year)
 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 **Sec. 5.** RCW 6.27.105 and 2018 c 199 s 205 are each amended to
 26 read as follows:

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

29 (a) If the writ is issued under an order or judgment for child
 30 support, the following statement shall appear conspicuously in the
 31 caption: "This garnishment is based on a judgment or order for child
 32 support";

33 (b) If the writ is issued under an order or judgment for private
 34 student loan debt, the following statement shall appear conspicuously

1 in the caption: "This garnishment is based on a judgment or order for
2 private student loan debt"; (~~and~~)

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

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

9 "IN THE COURT
10 OF THE STATE OF WASHINGTON IN AND FOR
11 THE COUNTY OF

12 ,
13 Plaintiff, No.
14 vs.
15 , WRIT OF
16 Defendant GARNISHMENT FOR
17 CONTINUING LIEN ON
18 , EARNINGS
19 Garnishee
20 THE STATE OF WASHINGTON TO:.....
21 Garnishee
22 AND TO:.....
23 Defendant

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

29 Balance on Judgment or Amount of Claim \$
30 Interest under Judgment from to \$
31 Per Day Rate of Estimated Interest \$
32 per day
33 Taxable Costs and Attorneys' Fees \$
34 Estimated Garnishment Costs:
35 Filing and Ex Parte Fees \$
36 Service and Affidavit Fees \$

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

5 THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD
6 the nonexempt portion of the defendant's earnings due at the time of
7 service of this writ and shall also hold the defendant's nonexempt
8 earnings that accrue through the last payroll period ending on or
9 before SIXTY days after the date of service of this writ. HOWEVER, IF
10 THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE
11 DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING
12 LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's
13 nonexempt earnings that accrue from the date the previously served
14 writ or writs terminate and through the last payroll period ending on
15 or before sixty days after the date of termination of the previous
16 writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING
17 WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF
18 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
22 other debt, owed to the defendant at the time this writ was served
23 and not to deliver, sell, or transfer, or recognize any sale or
24 transfer of, any personal property or effects of the defendant in
25 your possession or control at the time when this writ was served. Any
26 such payment, delivery, sale, or transfer is void to the extent
27 necessary to satisfy the plaintiff's claim and costs for this writ
28 with interest.

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

35 If, at the time this writ was served, you owed the defendant any
36 earnings (that is, wages, salary, commission, bonus, tips, or other
37 compensation for personal services or any periodic payments pursuant
38 to a nongovernmental pension or retirement program), the defendant is

1 entitled to receive amounts that are exempt from garnishment under
2 federal and state law. You must pay the exempt amounts to the
3 defendant on the day you would customarily pay the compensation or
4 other periodic payment. As more fully explained in the answer, the
5 basic exempt amount is the greater of seventy-five percent of
6 disposable earnings or a minimum amount determined by reference to
7 the employee's pay period, to be calculated as provided in the
8 answer. However, if this writ carries a statement in the heading of
9 (~~either:~~) "This garnishment is based on a judgment or order for
10 child support," the basic exempt amount is fifty percent of
11 disposable earnings; (~~or~~) and if this writ carries a statement in
12 the heading of either: "This garnishment is based on a judgment or
13 order for private student loan debt," or "This garnishment is based
14 on a judgment or order for consumer debt," the basic exempt amount is
15 the greater of eighty-five percent of disposable earnings or fifty
16 times the minimum hourly wage of the highest minimum wage law in the
17 state at the time the earnings are payable.

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

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

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

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

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

38 [Seal]

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

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

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

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

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

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

1 NOTICE OF GARNISHMENT

2 AND OF YOUR RIGHTS

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

10 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

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

29 BANK ACCOUNTS. If the garnishee is a bank or other
30 institution with which you have an account in which you have
31 deposited benefits such as Temporary Assistance for Needy
32 Families, Supplemental Security Income (SSI), Social
33 Security, veterans' benefits, unemployment compensation, or
34 any federally qualified pension, such as a state or federal
35 pension, individual retirement account (IRA), or 401K plan,
36 you may claim the account as fully exempt if you have
37 deposited only such benefit funds in the account. It may be
38 partially exempt even though you have deposited money from

1 other sources in the same account. An exemption is also
2 available under RCW 26.16.200, providing that funds in a
3 community bank account that can be identified as the earnings
4 of a stepparent are exempt from a garnishment on the child
5 support obligation of the parent.

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

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

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

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

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

35 Name of Court
36 No.....
37 Plaintiff,

1 vs.

2 EXEMPTION CLAIM

3 Defendant,

4 Garnishee Defendant

5 INSTRUCTIONS:

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

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

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

24 IF BANK ACCOUNT IS GARNISHED:

- 25 The account contains payments from:
 - 26 Temporary assistance for needy families, SSI, or
 - 27 other public assistance. I receive \$
 - 28 monthly.
 - 29 Social Security. I receive \$ monthly.
 - 30 Veterans' Benefits. I receive \$ monthly.
 - 31 Federally qualified pension, such as a state or
 - 32 federal pension, individual retirement account
 - 33 (IRA), or 401K plan. I receive \$ monthly.
 - 34 Unemployment Compensation. I receive \$
 - 35 monthly.
 - 36 Child support. I receive \$ monthly.

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

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

11 (b) If the writ is directed to an employer to garnish earnings,
12 the claim form required by RCW 6.27.130(1) to be mailed to or served
13 on an individual judgment debtor shall be in the following form,
14 subject to (c) of this subsection, printed or typed in no smaller
15 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:

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.

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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.

.....

Print: Your name	If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner
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.....

Your signature	Signature of husband,
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wife, or state registered

domestic partner

.....

.....

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.

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

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

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

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

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

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

1 (b) Seventy-five percent of the disposable earnings of the
2 defendant.

3 (2) In the case of a garnishment based on a judgment or other
4 order for child support or court order for spousal maintenance, other
5 than a mandatory wage assignment order pursuant to chapter 26.18 RCW,
6 or a mandatory assignment of retirement benefits pursuant to chapter
7 41.50 RCW, the exemption shall be fifty percent of the disposable
8 earnings of the defendant.

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

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

15 (b) Eighty-five percent of the disposable earnings of the
16 defendant.

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

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

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

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