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**HOUSE BILL 1447**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Walen, Simmons, Ramel, Shewmake, Ormsby, Pollet, Hackney, and Macri

Read first time 02/01/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to garnishment of a debtor's wages, funds, or  
2 other property; amending RCW 6.15.010 and 6.27.100; creating a new  
3 section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature has previously recognized  
6 that garnishees have no responsibility for the situation leading to  
7 the garnishment of a debtor's wages, funds, or other property, but  
8 that the garnishment process is necessary for the enforcement of  
9 obligations. The legislature has further recognized the importance of  
10 reducing or offsetting the administrative burden on the garnishee to  
11 the extent that that can be accomplished consistent with the goal of  
12 effectively enforcing debtors' unpaid obligations. At the same time,  
13 debtors must be afforded the exemptions to which they are statutorily  
14 entitled and protected from garnishments that violate Washington law.

15 By establishing automatic exemption amounts and specifying when  
16 and how much a garnishee bank is required to hold and release, the  
17 legislature intends to ease the burden on garnishees while protecting  
18 debtors from situations in which the entirety of their bank accounts  
19 are frozen before they have any opportunity to assert certain  
20 rightful exemptions.

1       **Sec. 2.** RCW 6.15.010 and 2019 c 371 s 3 are each amended to read  
2 as follows:

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

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

8       (b) All private libraries including electronic media, which  
9 includes audiovisual, entertainment, or reference media in digital or  
10 analogue format, of every individual, but not to exceed three  
11 thousand five hundred dollars in value, and all family pictures and  
12 keepsakes.

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

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

17       (i) The individual's or community's household goods, appliances,  
18 furniture, and home and yard equipment, not to exceed six thousand  
19 five hundred dollars in value for the individual or thirteen thousand  
20 dollars for the community, no single item to exceed seven hundred  
21 fifty dollars, said amount to include provisions and fuel for the  
22 comfortable maintenance of the individual or community;

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

27       (A) For all debts except private student loan debt and consumer  
28 debt, five hundred dollars in value may consist of bank accounts,  
29 savings and loan accounts, stocks, bonds, or other securities. The  
30 maximum exemption under this subsection (1)(d)(ii)(A) shall be  
31 automatically protected and may not exceed five hundred dollars,  
32 regardless of the number of existing separate bank accounts, savings  
33 and loan accounts, stocks, bonds, or other securities.

34       (B) For all private student loan debt, two thousand five hundred  
35 dollars in value may consist of bank accounts, savings and loan  
36 accounts, stocks, bonds, or other securities. \$1,000 in value shall  
37 be automatically protected. The maximum exemption under this  
38 subsection (1)(d)(ii)(B) may not exceed two thousand five hundred  
39 dollars, regardless of the number of existing separate bank accounts,  
40 savings and loan accounts, stocks, bonds, or other securities.

1 (C) For all consumer debt, two thousand dollars in value may  
2 consist of bank accounts, savings and loan accounts, stocks, bonds,  
3 or other securities. \$1,000 in value shall be automatically  
4 protected. The maximum exemption under this subsection (1)(d)(ii)(C)  
5 may not exceed two thousand dollars, regardless of the number of  
6 existing separate bank accounts, savings and loan accounts, stocks,  
7 bonds, or other securities;

8 (iii) For an individual, a motor vehicle used for personal  
9 transportation, not to exceed three thousand two hundred fifty  
10 dollars or for a community two motor vehicles used for personal  
11 transportation, not to exceed six thousand five hundred dollars in  
12 aggregate value;

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

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

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

28 (e) To each qualified individual, one of the following  
29 exemptions:

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

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

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

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

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

13 **Sec. 3.** RCW 6.27.100 and 2019 c 371 s 4 are each amended to read  
14 as follows:

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

18 (a) If the writ is issued under an order or judgment for child  
19 support, the following statement shall appear conspicuously in the  
20 caption: "This garnishment is based on a judgment or order for child  
21 support";

22 (b) If the writ is issued under an order or judgment for private  
23 student loan debt, the following statement shall appear conspicuously  
24 in the caption: "This garnishment is based on a judgment or order for  
25 private student loan debt";

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

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

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

35 ..... ,  
36 Plaintiff, No. ....  
37 vs.  
38 ..... , WRIT OF

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Defendant, GARNISHMENT

..... ,

Garnishee

THE STATE OF WASHINGTON TO: .....

Garnishee

AND TO: .....

Defendant

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

Balance on Judgment or Amount of Claim	\$....
Interest under Judgment from .... to ....	\$....
Per Day Rate of Estimated Interest	\$....
	per day
Taxable Costs and Attorneys' Fees	\$....
Estimated Garnishment Costs:	
Filing and Ex Parte Fees	\$....
Service and Affidavit Fees	\$....
Postage and Costs of Certified Mail	\$....
Answer Fee or Fees	\$....
Garnishment Attorney Fee	\$....
Other	\$....

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

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty

1 days after the service of the writ upon you, to mail or deliver the  
2 original of such answer to the court, one copy to the plaintiff or  
3 the plaintiff's attorney, and one copy to the defendant, at the  
4 addresses listed at the bottom of this writ.

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

9 FOR ALL DEBTS EXCEPT PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

10 If you are a bank or other institution in which the defendant has  
11 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(A)  
12 applies and the total of the amounts held in all of the defendant's  
13 accounts is less than or equal to \$500, release all funds or property  
14 to the defendant and do not hold any amount.

15 If you are a bank or other institution in which the defendant has  
16 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(A)  
17 applies and the total of the amounts held in all of the defendant's  
18 accounts is in excess of \$500, release at least \$500, hold no more  
19 than the amount set forth in the first paragraph of this writ and any  
20 processing fee if one is charged, and release additional funds or  
21 property, if any, to the defendant.

22 FOR PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

23 If you are a bank or other institution in which the defendant has  
24 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(B) or  
25 (C) applies and the total of the amounts held in all of the  
26 defendant's accounts is less than or equal to \$1,000, release all  
27 funds or property to the defendant and do not hold any amount.

28 If you are a bank or other institution in which the defendant has  
29 accounts to which the exemption under RCW 6.15.010(1)(d)(ii)(B) or  
30 (C) applies and the total of the amounts held in all of the  
31 defendant's accounts is in excess of \$1,000, release at least \$1,000,  
32 hold no more than the amount set forth in the first paragraph of this  
33 writ and any processing fee if one is charged, and release additional  
34 funds or property, if any, to the defendant.

35 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE  
36 ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM  
37 AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND  
38 COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU  
39 PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED

1 THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT  
2 PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

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

5 Witness, the Honorable . . . . ., Judge of the above-  
6 entitled Court, and the seal thereof, this . . . . day  
7 of . . . . ., . . . . (year)

8 [Seal]

9 .....

10 Attorney for Clerk of  
11 Plaintiff (or the Court  
12 Plaintiff, if no  
13 attorney)

14 .....

15 Address By

16 .....

17 Name of Defendant Address"

18 .....

19 Address of Defendant

20 (2) If an attorney issues the writ of garnishment, the final  
21 paragraph of the writ, containing the date, and the subscribed  
22 attorney and clerk provisions, shall be replaced with text in  
23 substantially the following form:

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

28 Dated this .....day of....., .... (year)

29 .....

30 Attorney for Plaintiff

31 .....

32 Address Address of the Clerk of the  
33 Court"

34 .....

35 Name of Defendant

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Address of Defendant

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NEW SECTION. **Sec. 4.** This act expires July 1, 2025.

--- **END** ---