

SENATE BILL REPORT

HB 2405

AS OF FEBRUARY 24, 1992

Brief Description: Specifying the amount of wages exempt from garnishment.

SPONSORS: Representative Appelwick

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Dick Armstrong (786-7460)

Hearing Dates: February 28, 1992

BACKGROUND:

One of the devices available for the recovery of debts is garnishment of the debtor's earnings. There are limits on how much of a debtor's earnings may be garnished. Under federal law the greater of the first 75 percent of the debtor's wages or 30 times the federal minimum hourly wage is exempt from each week's garnishment of wages. The federal law also allows a state to provide greater exemptions.

Until 1987, Washington law contained an additional possible exemption from garnishment. That exemption was 40 times the state minimum hourly wage. At that time, the exemption of 30 times the federal minimum wage was a greater exemption. In 1987, the state minimum wage exemption was removed as part of a major rewrite of the law on enforcement of judgments. In 1988, however, an initiative measure raised the state's minimum wage to the point where the previous state minimum wage exemption would have been greater.

The drafters of the 1987 amendments have indicated that it was not their intention to remove a potentially higher exemption.

SUMMARY:

The additional exemption to garnishment of a debtor's earnings that existed prior to 1987 is restored. The exemption of 40 times the state minimum hourly wage is added to the two federally required exemptions.

A debtor's weekly earnings are exempt from garnishment to the extent of the greater of the following: 75 percent of the earnings, 30 times the federal minimum hourly wage, or 40 times the state minimum hourly wage.

Appropriation: none

Revenue: none

Fiscal Note: none requested