

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3179 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: John Waldron _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3179

By: Waldron

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to civil procedure; amending 12 O.S. 2021, Sections 1172, as amended by Section 3, Chapter 184, O.S.L. 2023, 1173, as amended by Section 4, Chapter 184, O.S.L. 2023, 1173.2, as amended by Section 5, Chapter 184, O.S.L. 2023, 1173.3, as amended by Section 6, Chapter 184, O.S.L. 2023, 1173.4, as amended by Section 7, Chapter 184, O.S.L. 2023, 1174, as amended by Section 8, Chapter 184, O.S.L. 2023, 1178, as amended by Section 9, Chapter 184, O.S.L. 2023, 1178.1, as amended by Section 10, Chapter 184, O.S.L. 2023, 1178.2, as amended by Section 11, Chapter 184, O.S.L. 2023, and 1772, as amended by Section 12, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023, Sections 1172, 1173, 1173.2, 1173.3, 1173.4, 1174, 1178, 1178.1, 1178.2, and 1772), which relate to court forms; providing that certain forms shall be prescribed by the Oklahoma Bar Association; providing that certain forms be developed in plain and understandable language; modifying timing provision; providing that the Administrative Office of the Courts shall make certain forms available to access on the Oklahoma State Courts Network (OSCN) website; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1172, as amended by Section 3, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023, Section 1172), is amended to read as follows:

1 Section 1172. A. Garnishment proceedings, whether prejudgment
2 or postjudgment, shall be commenced by the filing of an affidavit,
3 on a form prescribed by the Oklahoma Bar Association, developed in
4 plain and understandable language. The Administrative Office of the
5 Courts shall provide public access to the affidavit by providing a
6 link to the form on the Oklahoma State Courts Network (OSCN)
7 website, stating:

8 1. The name(s) of the plaintiff(s);

9 2. The name(s) of the defendant(s);

10 3. In the case of prejudgment garnishments, the amount of the
11 plaintiff's original claim against the defendant or defendants over
12 and above all offsets;

13 4. In the case of postjudgment garnishments, the amount of the
14 interest-bearing balance;

15 5. In the case of postjudgment garnishments, the rate and the
16 date the interest begins to accrue; and

17 6. That the plaintiff verily believes that some person, naming
18 him or her, whether within or without the county, is indebted to or
19 has property in his or her possession or under his or her control
20 belonging to the defendant, or either or any of the defendants, in
21 the action or execution and that the indebtedness or property is, to
22 the best of the knowledge and belief of the person making such
23 affidavit, not by law exempt from seizure or sale upon execution.

1 B. The affidavit may be filed by the plaintiff or the
2 plaintiff's attorney at or before the time of filing of a
3 garnishment summons.

4 C. Only one garnishee may be embraced in any affidavit or
5 garnishment summons.

6 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1173, as
7 amended by Section 4, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
8 Section 1173), is amended to read as follows:

9 Section 1173. A. Any judgment creditor may obtain a
10 noncontinuing lien on earnings. For the purposes of this section,
11 "earnings" means any form of payment to an individual including, but
12 not limited to, salary, commission, or other compensation, but does
13 not include reimbursements for travel expenses for state employees.

14 B. A noncontinuing earnings garnishment shall be commenced by
15 filing the affidavit provided for by Section 1172 of this title.

16 C. The form for the summons required by this section shall be
17 prescribed by the Oklahoma Bar Association, developed in plain and
18 understandable language. The Administrative Office of the Courts
19 shall provide public access to the summons by providing a link to
20 the form on the Oklahoma State Courts Network (OSCN) website.

21 D. The summons shall be served upon the garnishee, together
22 with a copy of the judgment creditor's affidavit, a garnishee's
23 answer form, notice of garnishment and request for hearing, and
24 claim for exemptions, in the manner provided for in Section 2004 of

1 this title and shall be returned with proof of service within ten
2 (10) days of its date.

3 E. The garnishee's answer shall be on a form prescribed by the
4 Oklahoma Bar Association, developed in plain and understandable
5 language. The Administrative Office of the Courts shall provide
6 public access to the garnishee's answer by providing a link to the
7 form on the Oklahoma State Courts Network (OSCN) website.

8 F. Within seven (7) days after the end of the defendant's then-
9 current pay period or thirty (30) days from the date of service of
10 the garnishment summons, whichever is earlier, the garnishee shall
11 file the answer with the court clerk and the garnishee shall pay the
12 amount withheld from the pay period to the judgment creditor's
13 attorney or to the judgment creditor, if there is no attorney, with
14 a copy of the answer which shall state:

15 1. Whether the garnishee was the employer of or indebted or
16 under any liability to the defendant named in the notice in any
17 manner or upon any account for earnings or wages, specifying, as
18 applicable, the beginning and ending dates of the pay period
19 existing at the time of the service of the affidavit and summons,
20 the total amounts earned in the pay period, and all of the facts and
21 circumstances necessary to a complete understanding of the
22 indebtedness or liability. When the garnishee shall be in doubt
23 respecting the liability or indebtedness, the garnishee may set
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1 forth all of the facts and circumstances concerning the same, and
2 submit the question to the court;

3 2. If the garnishee shall claim any setoff, defense, other
4 indebtedness, liability, lien, or claim to the property, the facts
5 and circumstances in the affidavit;

6 3. At the garnishee's option, any claim of exemption from
7 execution on the part of the defendant or other objection known to
8 the garnishee against the right of the judgment creditor to apply
9 the indebtedness or property disclosed;

10 4. If the garnishee shall disclose any indebtedness or the
11 possession of any property to which the defendant or any other
12 person makes claim, at the garnishee's option, the names and
13 addresses of other claimants and, so far as known, the nature of the
14 claims; and

15 5. That the garnishee has mailed or hand-delivered a copy of
16 the notice of garnishment and exemptions, application for hearing,
17 and the manner and date of compliance.

18 G. The garnishment summons served on the garnishee under this
19 section is a lien on the defendant's property due at the time of
20 service or the effective date of the summons to the extent the
21 property is not exempt from garnishment.

22 H. 1. A garnishment lien under this section has priority over
23 any subsequent garnishment lien or garnishment summons served on the
24 garnishee.

1 2. When a garnishment summons is served under this section on a
2 garnishee while a previous garnishment lien is still in effect, the
3 garnishee shall answer the subsequent garnishment lien or
4 garnishment summons by stating that the garnishee is presently
5 holding defendant's property under a previous garnishment lien or
6 garnishment summons and by giving the date when all previous
7 garnishment liens or garnishment summonses are expected to end.

8 I. 1. When a postjudgment noncontinuing earnings garnishment
9 under this section or a continuing earnings garnishment under
10 Section 1173.4 of this title is issued against a defendant already
11 subject to an income assignment for child support, the garnishee
12 shall determine the maximum percentage of the defendant's disposable
13 earnings according to the provisions of Section 1171.2 of this title
14 and then deduct from that percentage the actual percentage of the
15 defendant's disposable earnings actually withheld under the income
16 assignment. The resulting percentage shall be the amount to be
17 withheld by the garnishee, not to exceed twenty-five percent (25%).

18 2. For any involuntary legal or equitable procedures through
19 which the earnings of any individual are required to be withheld for
20 the payment of any debt which has statutory priority over this
21 section, the amount withheld pursuant to a garnishment under this
22 section shall be reduced by the actual sums withheld pursuant to
23 such other involuntary process.

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1 J. A noncontinuing earnings garnishment may be suspended or
2 modified by the judgment creditor upon agreement with the judgment
3 debtor, which agreement shall be in writing and filed by the
4 judgment creditor with the clerk of the court in which the judgment
5 was entered. A copy of such agreement shall be mailed by first
6 class mail to the garnishee, postage prepaid by judgment creditor.

7 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1173.2, as
8 amended by Section 5, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
9 Section 1173.2), is amended to read as follows:

10 Section 1173.2 Upon the filing of such affidavit and the
11 undertaking and, when a hearing is required, after said hearing,
12 where the garnishment is for the collection of support, garnishee
13 summons shall be issued by the judge of the district court if
14 prejudgment garnishment is sought or by the clerk of the district
15 court if postjudgment garnishment is sought and served upon each of
16 the garnishees, in the manner provided for service of summons, and
17 shall be returned with proof of service within five (5) days of its
18 date, except when issued to another county, it shall be returned
19 with proof of service within ten (10) days from its date. The
20 garnishee summons shall be on a form prescribed by the Oklahoma Bar
21 Association, developed in plain and understandable language. The
22 Administrative Office of the Courts shall provide for public access
23 to the garnishee summons by providing a link to the form on the
24 Oklahoma State Courts Network (OSCN) website.

1 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1173.3, as
2 amended by Section 6, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
3 Section 1173.3), is amended to read as follows:

4 Section 1173.3 A. A general garnishment shall be commenced by
5 filing the affidavit provided for by Section 1172 of this title.

6 B. The summons required by this section shall be on a form
7 prescribed by the Oklahoma Bar Association, developed in plain and
8 understandable language. The Administrative Office of the Courts
9 shall provide public access to the summons by providing a link to
10 the form on the Oklahoma State Courts Network (OSCN) website.

11 C. The summons required by subsection B of this section shall
12 be served upon the garnishee together with a copy of the judgment
13 creditor's affidavit, a garnishee's answer form, notice of
14 garnishment and request for hearing, and claim for exemptions in the
15 manner provided for in Section 2004 of this title and shall be
16 returned with proof of service within ten (10) days of its date.

17 D. The garnishee's answer shall be on a form prescribed by the
18 Oklahoma Bar Association, developed in plain and understandable
19 language. The Administrative Office of the Courts shall provide
20 public access to the garnishee's answer by providing a link to the
21 form on the Oklahoma State Courts Network (OSCN) website.

22 E. Within ten (10) days after service of the garnishment, the
23 garnishee shall file its answer with the court clerk and pay or
24 deliver to the judgment creditor's attorney or to the judgment

1 creditor if there is no attorney the indebtedness or property
2 belonging to or owed to the defendant, together with a copy of the
3 answer which shall state:

4 1. Whether the garnishee was indebted or under any liability to
5 or had in garnishee's possession or control, any property belonging
6 to the defendant. When the garnishee shall be in doubt respecting
7 any such liability or indebtedness, the garnishee may set forth all
8 of the facts and circumstances concerning the same, and submit the
9 question to the court;

10 2. If the garnishee shall claim any setoff, defense, other
11 indebtedness, liability, lien, or claim to the property, the facts
12 and circumstances;

13 3. At the garnishee's option, any claim of exemption from
14 execution on the part of the defendant, or other objection known to
15 the garnishee against the right of the judgment creditor to apply
16 the indebtedness or property disclosed;

17 4. If the garnishee shall disclose any indebtedness or the
18 possession of any property to which the defendant or any other
19 person makes claim, at the garnishee's option, the names and
20 addresses of such other claimants and, so far as known, the nature
21 of the claims; and

22 5. That the garnishee has mailed or hand-delivered a copy of
23 the notice of garnishment and exemptions, application for hearing,
24 and the manner and date of compliance.

1 F. The garnishment summons and affidavit served on the
2 garnishee under this section are a lien on the defendant's property
3 due at the time of service of the summons to the extent the property
4 is not exempt from garnishment.

5 SECTION 5. AMENDATORY 12 O.S. 2021, Section 1173.4, as
6 amended by Section 7, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
7 Section 1173.4), is amended to read as follows:

8 Section 1173.4 A. Any judgment creditor may obtain a
9 continuing lien on earnings. For the purposes of this section,
10 "earnings" means any form of payment to an individual including, but
11 not limited to, salary, wages, commission, or other compensation,
12 but does not include reimbursements for travel expenses for state
13 employees.

14 B. A continuing earnings garnishment shall be commenced by
15 filing the affidavit provided for by Section 1172 of this title.

16 C. The summons required by this section shall be on a form
17 prescribed by the Oklahoma Bar Association, developed in plain and
18 understandable language. The Administrative Office of the Courts
19 shall provide public access to the summons by providing a link to
20 the form on the Oklahoma State Courts Network (OSCN) website.

21 D. The summons required by this section shall be served upon
22 each of the garnishees, together with a copy of the judgment
23 creditor's affidavit, a garnishee's answer form, notice of
24 garnishment and request for hearing, and claim for exemptions, in

1 the manner provided for in Section 2004 of this title and shall be
2 returned with proof of service within ten (10) days of its date.

3 E. The garnishee's answer shall be on a form prescribed by the
4 Oklahoma Bar Association, developed in plain and understandable
5 language. The Administrative Office of the Courts shall provide
6 public access to the garnishee's answer by providing a link to the
7 form on the Oklahoma State Courts Network (OSCN) website.

8 F. Within seven (7) days after the end of each pay period, or,
9 if the judgment debtor does not have regular pay periods or is not
10 paid by the garnishee within thirty (30) days from the date of the
11 garnishment summons, and after any payment by the garnishee to the
12 judgment debtor, the garnishee shall file an answer with the court
13 clerk, and pay the amount withheld to the judgment creditor's
14 attorney or to the judgment creditor, if there is no attorney,
15 together with a copy of the answer which shall state:

16 1. Whether the garnishee was the employer of the defendant
17 named in the notice, was indebted to the defendant, or was under any
18 liability to the defendant in any manner or upon any account for
19 earnings, specifying the beginning and ending dates of the pay
20 period, if applicable, existing at the time of the service of the
21 affidavit and summons, the total amounts earned in the entire pay
22 period, and all of the facts and circumstances necessary to a
23 complete understanding of any indebtedness or liability. When the
24 garnishee shall be in doubt respecting the liability or

1 indebtedness, the garnishee may set forth all of the facts and
2 circumstances concerning the same, and submit the question to the
3 court;

4 2. If the garnishee shall claim any setoff, defense, other
5 indebtedness, liability, lien, or claim to the property, the facts
6 and circumstances in the affidavit;

7 3. At the garnishee's option, any claim of exemption from
8 execution on the part of the defendant or other objection known to
9 the garnishee against the right of the judgment creditor to apply
10 the indebtedness or property disclosed;

11 4. If the garnishee shall disclose any indebtedness or the
12 possession of any property to which the defendant or any other
13 person makes claim, at the garnishee's option, the names and
14 addresses of other claimants and, so far as known, the nature of
15 their claims; and

16 5. That the garnishee has mailed or hand-delivered a copy of
17 the notice of garnishment and exemptions, application for hearing,
18 and the manner and date of compliance.

19 G. The garnishment summons served on the garnishee under this
20 section is a lien on the defendant's property due at the time of
21 service or the effective date of the summons, to the extent the
22 property is not exempt from garnishment. This lien attaches to
23 subsequent nonexempt earnings until one of the following occurs:

24

1 1. The judgment against the defendant is vacated, modified, or
2 satisfied in full;

3 2. The summons is dismissed; or

4 3. One hundred eighty (180) days from the effective date of the
5 summons have elapsed; provided, an affidavit and summons shall
6 continue in effect and shall apply to a pay period beginning before
7 the end of the one-hundred-eighty-day period even if the conclusion
8 extends beyond the end of the period.

9 H. 1. A garnishment lien under this section has priority over
10 any subsequent garnishment lien or garnishment summons served on the
11 garnishee during the period it is in effect, regardless of whether
12 the amounts withheld by the garnishee are reduced by the court or by
13 agreement of the parties.

14 2. a. When a garnishment summons is served under this
15 section on a garnishee while a previous garnishment
16 lien is still in effect, the garnishee shall answer
17 the subsequent garnishment lien or garnishment summons
18 by stating that the garnishee is presently holding
19 defendant's property under a previous garnishment lien
20 or garnishment summons, and by giving the date when
21 all previous garnishment liens or garnishment summons
22 are expected to end.

23 b. The subsequent summons is not effective if a summons
24 or lien on the same cause of action is pending at the

1 time of service unless the subsequent summons in the
2 same cause of action is served after the one-hundred-
3 fiftieth day of the previous garnishment lien.

4 I. 1. When a postjudgment wage garnishment under Section 1173
5 of this title or a continuing earnings garnishment under this
6 section is issued against a defendant already subject to an income
7 assignment for child support, the garnishee shall determine the
8 maximum percentage of the defendant's disposable earnings according
9 to the provisions of Section 1171.2 of this title and then deduct
10 from that percentage the actual percentage of the defendant's
11 disposable earnings actually withheld under the income assignment.
12 The resulting percentage shall be the amount to be withheld by the
13 garnishee, not to exceed twenty-five percent (25%).

14 2. For any involuntary legal or equitable procedures through
15 which the earnings of any individual are required to be withheld for
16 the payment of any debt which has statutory priority over this
17 section, the amount withheld pursuant to a garnishment under this
18 section shall be reduced by the actual sums withheld pursuant to
19 such other involuntary process.

20 J. A continuing earnings garnishment may be suspended or
21 modified for a specific period of time within the effective period
22 of the garnishment by the judgment creditor upon agreement with the
23 judgment debtor, which agreement shall be in writing and filed by
24 the judgment creditor with the clerk of the court in which the

1 judgment was entered, and a copy of which shall be mailed by first-
2 class mail, postage prepaid by the judgment creditor to the
3 garnishee.

4 K. Any garnishment issued against a debtor already subject to a
5 continuing or noncontinuing earnings garnishment shall take effect
6 immediately upon the conclusion of the prior garnishment, and shall
7 be effective for its full one-hundred-eighty-day period of time or
8 as otherwise provided in subsection G of this section.

9 SECTION 6. AMENDATORY 12 O.S. 2021, Section 1174, as
10 amended by Section 8, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
11 Section 1174), is amended to read as follows:

12 Section 1174. A. In all cases of garnishment before judgment,
13 the defendant in the principal action shall be given notice of the
14 issuance in said action of any garnishee summons, the date of
15 issuance of said summons, and the name of the garnishee.

16 B. In all cases of garnishment for the collection of child
17 support, the defendant shall be given notice as required by this
18 section.

19 C. In all cases of postjudgment garnishment, the court clerk
20 shall attach notice, in a form prescribed by the Oklahoma Bar
21 Association, developed in plain and understandable language, with
22 the garnishment, in the manner provided by Section 1172.2 of this
23 title that the defendant may be entitled to claim an exemption for
24 any assistance received pursuant to the terms of the Federal or

1 Oklahoma Social Security Act and other exemptions that may be
2 available to the defendant, and that any such claim should be filed
3 with the court clerk within five (5) days from receipt of notice in
4 a form prescribed by the Oklahoma Bar Association, developed in
5 plain and understandable language, requesting a hearing as to the
6 status of any assets which the defendant asserts are exempt. Any
7 proceeding to claim an exemption initiated subsequent to ~~five (5)~~
8 thirty (30) days after receipt of notice shall be by motion unless
9 otherwise agreed by the parties.

10 D. The Administrative Office of the Courts shall provide public
11 access to both the notice and claim for exemption by providing links
12 to the forms on the Oklahoma State Courts Network (OSCN) website.

13 E. Said notification may be accomplished by:

14 1. Serving a copy of the garnishee summons on the defendant or
15 on his or her attorney of record in the manner provided for the
16 service of summons; or

17 2. Sending the notice or a copy of the garnishee summons to the
18 defendant or his or her attorney of record by registered or
19 certified mail with return receipt requested, which receipt shall be
20 filed in the action; or

21 3. Attaching the notice on the summons issued in the principal
22 action prior to its service; or

23 4. Including the notice in the publication notice when service
24 in the principal action is by publication; or

1 5. Publication one time in a newspaper of general circulation
2 in the county in which the action is filed at least five (5) days
3 prior to the date on which the garnishee's answer is due if the
4 defendant is a nonresident or if the defendant's whereabouts are
5 unknown to plaintiff.

6 SECTION 7. AMENDATORY 12 O.S. 2021, Section 1178, as
7 amended by Section 9, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
8 Section 1178), is amended to read as follows:

9 Section 1178. A. For the purposes of this section, "earnings"
10 means any form of payment to an individual including, but not
11 limited to, salary, wages, commission, or other compensation, but
12 does not include reimbursement for travel expenses for state
13 employees.

14 B. Where the garnishment summons is on earnings and is issued
15 under Section 1173 of this title, the garnishee shall, within seven
16 (7) days after the end of defendant's present pay period or where a
17 payment of earnings is due, or thirty (30) days from the service of
18 the summons, whichever is earlier, file an affidavit with the clerk
19 of the court in which the action is pending and deliver or mail a
20 copy thereof to the judgment creditor or the judgment creditor's
21 attorney of record. The affidavit shall state:

22 1. Whether the garnishee was the employer of or indebted or
23 under any liability to the defendant named in the notice in any
24 manner or upon any account for earnings or wages, specifying, as

1 applicable, the beginning and ending dates of the pay period
2 existing at the time of the service of the garnishee summons, the
3 total amounts earned in the pay period, and all of the facts and
4 circumstances necessary to a complete understanding of such
5 indebtedness or liability. When the garnishee shall be in doubt
6 respecting any such liability or indebtedness, the garnishee may set
7 forth all of the facts and circumstances concerning the same, and
8 submit the question to the court;

9 2. If the garnishee shall claim any setoff, defense, other
10 indebtedness, liability, lien, or claim to such property, the facts
11 and circumstances in the affidavit;

12 3. At the garnishee's option, any claim of exemption from
13 execution on the part of the defendant, or other objection known to
14 the garnishee against the right of the judgment creditor to apply
15 the indebtedness or property disclosed;

16 4. If the garnishee shall disclose any indebtedness or the
17 possession of any property to which the defendant, or any other
18 person, makes claim, at the garnishee's option, the names and
19 addresses of such other claimants and, so far as known, the nature
20 of the claims; and

21 5. The garnishee shall state that he or she has mailed or hand-
22 delivered a copy of the notice of garnishment and exemptions,
23 application for hearing, and the manner and date of compliance.

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1 C. The garnishee's answer shall be on a form prescribed by the
2 Oklahoma Bar Association, developed in plain and understandable
3 language. The Administrative Office of the Courts shall provide
4 public access to the garnishee's answer by providing a link to the
5 form on the Oklahoma State Courts Network (OSCN) website.

6 SECTION 8. AMENDATORY 12 O.S. 2021, Section 1178.1, as
7 amended by Section 10, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
8 Section 1178.1), is amended to read as follows:

9 Section 1178.1 A. For the purposes of this section, "wages" or
10 "earnings" means any form of payment to an individual including, but
11 not limited to, salary, commission, or other compensation, but does
12 not include reimbursement for travel expenses for state employees.

13 B. Where the garnishment summons is for the collection of
14 support and is issued under Section 1173.2 of this title, the
15 garnishee shall, within ten (10) days from the service of the
16 garnishee's summons or within seven (7) days after the end of
17 defendant's current pay period or thirty (30) days from the date of
18 service of this summons, whichever is earlier, file an affidavit
19 with the clerk of the court in which the action is pending and
20 deliver or mail a copy thereof to the judgment creditor's attorney
21 or to the judgment creditor if there is no attorney. The affidavit
22 shall state:

23 1. Whether the garnishee was the employer of or indebted or
24 under any liability to the defendant named in the notice in any

1 manner or upon any account for earnings or wages specifying, as
2 applicable, the beginning and ending dates of the pay period
3 existing at the time of the service of the affidavit and summons,
4 the total amounts earned in the pay period and all of the facts and
5 circumstances necessary to a complete understanding of such
6 indebtedness or liability. When the garnishee shall be in doubt
7 respecting any such liability or indebtedness, the garnishee may set
8 forth all of the facts and circumstances concerning the same, and
9 submit the question to the court;

10 2. Whether the garnishee was indebted or under any liability to
11 or had in garnishee's possession or control, any property belonging
12 to the defendant. When the garnishee shall be in doubt respecting
13 any such liability or indebtedness, the garnishee may set forth all
14 of the facts and circumstances concerning the same, and submit the
15 question to the court;

16 3. If the garnishee shall claim any setoff, defense, other
17 indebtedness, liability, lien, or claim to such property, the facts
18 and circumstances in the affidavit;

19 4. At the garnishee's option any claim of exemption from
20 execution on the part of the defendant, or other objection known to
21 the garnishee against the right of the judgment creditor, to apply
22 the indebtedness or property disclosed;

23 5. If the garnishee shall disclose any indebtedness or the
24 possession of any property to which the defendant or any other

1 person, makes claim, at the garnishee's option the names and
2 addresses of such other claimants and, so far as known, the nature
3 of the claims; and

4 6. That the garnishee has mailed or hand-delivered a copy of
5 the notice of garnishment and exemptions, application for hearing,
6 and the manner and date of compliance.

7 C. The answer of the garnishee shall be on a form prescribed by
8 the Oklahoma Bar Association, developed in plain and understandable
9 language. The Administrative Office of the Courts shall provide
10 public access to the garnishee's answer by providing a link to the
11 form on the Oklahoma State Courts Network (OSCN) website.

12 SECTION 9. AMENDATORY 12 O.S. 2021, Section 1178.2, as
13 amended by Section 11, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
14 Section 1178.2), is amended to read as follows:

15 Section 1178.2 A. Where the garnishment summons is not on
16 earnings, is not for the collection of child support and is issued
17 under Section 1173.3 of this title, then unless the garnishee shall
18 make the affidavit provided for in Section 1176 of this title, the
19 garnishee shall, within ten (10) days from the service of the
20 garnishee's summons, file an affidavit with the clerk of the court
21 in which the action is pending and deliver or mail a copy thereof to
22 the judgment creditor's attorney or to the judgment creditor if
23 there is no attorney. The affidavit shall state:

24

1 1. Whether the garnishee was indebted or under any liability to
2 the defendant named in the notice in any manner or upon any account
3 specifying if indebted or liable, the amount, the interest thereon,
4 the manner in which evidenced, when payable, whether an absolute or
5 contingent liability and all of the facts and circumstances
6 necessary to a complete understanding of such indebtedness or
7 liability. When the garnishee shall be in doubt respecting any such
8 liability or indebtedness, the garnishee may set forth all of the
9 facts and circumstances concerning the same, and submit the question
10 to the court;

11 2. Whether the garnishee was indebted or under any liability to
12 or had in garnishee's possession or control, any property belonging
13 to the defendant. When the garnishee shall be in doubt respecting
14 any such liability or indebtedness, the garnishee may set forth all
15 of the facts and circumstances concerning the same, and submit the
16 question to the court;

17 3. If the garnishee shall claim any setoff, defense, other
18 indebtedness, liability, lien, or claim to such property, the facts
19 and circumstances in the affidavit;

20 4. At the garnishee's option, any claim of exemption from
21 execution on the part of the defendant, or other objection known to
22 the garnishee against the right of the judgment creditor to apply
23 the indebtedness or property disclosed;

24

1 5. If the garnishee shall disclose any indebtedness or the
2 possession of any property to which the defendant or any other
3 person makes claim, at the garnishee's option, the names and
4 addresses of such other claimants and, so far as known, the nature
5 of the claims; and

6 6. That the garnishee has mailed or hand-delivered a copy of
7 the notice of garnishment and exemptions, application for hearing,
8 and the manner and date of compliance.

9 B. The answer of the garnishee shall be on a form prescribed by
10 the Oklahoma Bar Association, developed in plain and understandable
11 language. The Administrative Office of the Courts shall provide
12 public access to the garnishee's answer by providing a link to the
13 form on the Oklahoma State Courts Network (OSCN) website.

14 SECTION 10. AMENDATORY 12 O.S. 2021, Section 1772, as
15 amended by Section 12, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2023,
16 Section 1772), is amended to read as follows:

17 Section 1772. Judgments for the payment of money shall be
18 processed and collected as follows:

19 1. Incident to the entering of the judgment and while the
20 parties are still under oath:

21 a. the court may arrange a judgment satisfaction plan and
22 enter a writ of execution, and

23 b. the court may secure a listing and description of the
24 judgment debtor's assets from the judgment debtor in

1 case subsequent attachment of property becomes
2 necessary to collect an unsatisfied judgment. Forms
3 for an application and order to appear and answer as
4 to assets and interrogatories to be answered by the
5 debtor shall be supplied by the court clerk on forms
6 promulgated by the Oklahoma Bar Association, developed
7 in plain and understandable language.

8 2. If the judgment debtor fails to satisfy the judgment in
9 accordance with the judgment satisfaction plan, the judgment
10 creditor shall attempt to contact the judgment debtor and collect
11 the same.

12 3. If the judgment debtor still fails to satisfy the judgment,
13 the judgment creditor may:

- 14 a. require the debtor to appear and answer
15 interrogatories regarding assets, or
- 16 b. request the issuance of a writ of execution or a
17 garnishment summons on forms provided by the court
18 clerk.

19 4. Except as provided in this section, proceedings hereunder to
20 collect the judgment shall be conducted pursuant to the provisions
21 of this title.

22 SECTION 11. This act shall become effective November 1, 2024.

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