
HOUSE BILL 2119

State of Washington

68th Legislature

2024 Regular Session

By Representatives Riccelli and Taylor

Prefiled 01/04/24.

1 AN ACT Relating to protecting consumers from garnishment of
2 earnings for judgments arising from medical debt; and amending RCW
3 6.27.010, 6.27.020, 6.27.060, 6.27.140, and 6.27.150.

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

5 **Sec. 1.** RCW 6.27.010 and 2012 c 159 s 1 are each amended to read
6 as follows:

7 ~~((1))~~ As used in this chapter ~~(, the term "earnings"))~~:

8 (1) "Earnings" means compensation paid or payable to an
9 individual for personal services, whether denominated as wages,
10 salary, commission, bonus, or otherwise, and includes periodic
11 payments pursuant to a governmental or nongovernmental pension or
12 retirement program.

13 ~~(2) ((As used in this chapter, the term "disposable))~~ "Disposable
14 earnings" means that part of earnings remaining after the deduction
15 from those earnings of any amounts required by law to be withheld.

16 (3) "Medical debt" has the same meaning as provided in RCW
17 19.16.100.

18 **Sec. 2.** RCW 6.27.020 and 2003 c 222 s 1 are each amended to read
19 as follows:

1 (1) The clerks of the superior courts and district courts of this
2 state may issue writs of garnishment returnable to their respective
3 courts for the benefit of a judgment creditor who has a judgment
4 wholly or partially unsatisfied in the court from which the
5 garnishment is sought. However, no writ of garnishment, including a
6 writ for a continuing lien on earnings, shall be issued to an
7 employer for the garnishment of the judgment debtor's earnings if the
8 judgment arises from medical debt of the judgment debtor.

9 (2) Writs of garnishment may be issued in district court with
10 like effect by the attorney of record for the judgment creditor, and
11 the form of writ shall be substantially the same as when issued by
12 the court except that it shall be subscribed only by the signature of
13 such attorney.

14 (3) Except as otherwise provided in RCW 6.27.040 and 6.27.330,
15 the superior courts and district courts of this state may issue
16 prejudgment writs of garnishment to a plaintiff at the time of
17 commencement of an action or at any time afterward, subject to the
18 requirements of chapter 6.26 RCW.

19 **Sec. 3.** RCW 6.27.060 and 2018 c 22 s 4 are each amended to read
20 as follows:

21 The judgment creditor as the plaintiff or someone in the judgment
22 creditor's behalf shall apply for a writ of garnishment by affidavit,
23 stating the following facts: (1) The plaintiff has a judgment wholly
24 or partially unsatisfied in the court from which the writ is sought;
25 (2) the amount alleged to be due under that judgment; (3) the
26 plaintiff has reason to believe, and does believe that the garnishee,
27 stating the garnishee's name and residence or place of business, is
28 indebted to the defendant in amounts exceeding those exempted from
29 garnishment by any state or federal law, or that the garnishee has
30 possession or control of personal property or effects belonging to
31 the defendant which are not exempted from garnishment by any state or
32 federal law; ~~((and))~~ (4) whether or not the garnishee is the employer
33 of the judgment debtor; and (5) whether or not the judgment arises
34 from medical debt of the judgment debtor.

35 The judgment creditor shall pay to the clerk of the superior
36 court the fee provided by RCW 36.18.016(6), or to the clerk of the
37 district court the fee provided by RCW 3.62.060.

1 **Sec. 4.** RCW 6.27.140 and 2023 c 393 s 5 are each amended to read
2 as follows:

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

6 NOTICE OF GARNISHMENT
7 AND OF YOUR RIGHTS

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

15 YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

16 WAGES. If the garnishee is your employer who owes wages or
17 other personal earnings to you, your employer is required to
18 pay amounts to you that are exempt under state and federal
19 laws, as explained in the writ of garnishment. You should
20 receive a copy of your employer's answer, which will show how
21 the exempt amount was calculated. A garnishment against wages
22 or other earnings for child support may not be issued under
23 chapter 6.27 RCW. If the garnishment is for private student
24 loan debt, the exempt amount paid to you will be the greater
25 of the following: A percent of your disposable earnings,
26 which is eighty-five percent of the part of your earnings
27 remaining after your employer deducts those amounts which are
28 required by law to be withheld, or fifty times the minimum
29 hourly wage of the highest minimum wage law in the state at
30 the time the earnings are payable. If the garnishment is for
31 consumer debt, other than medical debt, the exempt amount
32 paid to you will be the greater of the following: A percent
33 of your disposable earnings, which is eighty percent of the
34 part of your earnings remaining after your employer deducts
35 those amounts which are required by law to be withheld, or
36 thirty-five times the state minimum hourly wage. A
37 garnishment against wages or other earnings may not be issued
38 for medical debt.

1 BANK ACCOUNTS. If the garnishee is a bank or other
2 institution with which you have an account in which you have
3 deposited benefits such as Temporary Assistance for Needy
4 Families, Supplemental Security Income (SSI), Social
5 Security, veterans' benefits, unemployment compensation, or
6 any federally qualified pension, such as a state or federal
7 pension, individual retirement account (IRA), or 401K plan,
8 you may claim the account as fully exempt if you have
9 deposited only such benefit funds in the account. It may be
10 partially exempt even though you have deposited money from
11 other sources in the same account. An exemption is also
12 available under RCW 26.16.200, providing that funds in a
13 community bank account that can be identified as the earnings
14 of a stepparent are exempt from a garnishment on the child
15 support obligation of the parent.

16 OTHER EXEMPTIONS. If the garnishee holds other property of
17 yours, some or all of it may be exempt under RCW 6.15.010, a
18 Washington statute that exempts certain property of your
19 choice (including, if the judgment is for private student
20 loan debt, up to \$2,500.00 in a bank account, or for a
21 marital community or domestic partnership up to \$5,000.00 in
22 a bank account; if the judgment is for other consumer debt,
23 up to \$2,000.00 in a bank account, or for a marital community
24 or domestic partnership up to \$4,000.00 in a bank account;
25 or, if the judgment is for any other debts, up to \$500.00 in
26 a bank account, or for a marital community or domestic
27 partnership up to \$1,000.00 in a bank account) and certain
28 other property such as household furnishings, tools of trade,
29 and a motor vehicle (all limited by differing dollar values).

30 HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and
31 mail or deliver it as described in instructions on the claim
32 form. If the plaintiff does not object to your claim, the
33 funds or other property that you have claimed as exempt must
34 be released not later than 10 days after the plaintiff
35 receives your claim form. If the plaintiff objects, the law
36 requires a hearing not later than 14 days after the plaintiff
37 receives your claim form, and notice of the objection and
38 hearing date will be mailed to you at the address that you
39 put on the claim form.

1 THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY,
2 AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS,
3 BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY
4 DELAY.

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

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

12 Name of Court

13 No

14 Plaintiff,

15 vs.

16 EXEMPTION CLAIM

17 Defendant,

18 Garnishee Defendant

19 INSTRUCTIONS:

- 20 1. Read this whole form after reading the enclosed
21 notice. Then put an X in the box or boxes that
22 describe your exemption claim or claims and write
23 in the necessary information on the blank lines. If
24 additional space is needed, use the bottom of the
25 last page or attach another sheet.
- 26 2. Make two copies of the completed form. Deliver
27 the original form by first-class mail or in person to
28 the clerk of the court, whose address is shown at
29 the bottom of the writ of garnishment. Deliver one
30 of the copies by first-class mail or in person to the
31 plaintiff or plaintiff's attorney, whose name and
32 address are shown at the bottom of the writ. Keep
33 the other copy. YOU SHOULD DO THIS AS
34 QUICKLY AS POSSIBLE, BUT NO LATER
35 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
36 ON THE WRIT.

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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.
- Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ monthly.
- Unemployment Compensation. I receive \$ monthly.
- Child support. I receive \$ monthly.
- Other. Explain

I/We claim the following exemptions:

- Exemption for private student loan debts:
 - \$2,500 for an individual; or
 - \$5,000 for a marital community or domestic partnership.
- Exemption for consumer debts:
 - \$2,000 for an individual; or
 - \$4,000 for a marital community or domestic partnership.
- Exemption for all other debts:
 - \$500 for an individual; or
 - \$1,000 for a marital community or domestic partnership.

I declare under penalty of perjury under the laws of the State of Washington that I am a married person and that I wish to use the marital exemptions.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED,
ANSWER ONE OR BOTH OF THE FOLLOWING:

- No money other than from above payments are in the account.

1 [] Moneys in addition to the above payments have
2 been deposited in the account. Explain
3
4

5 OTHER PROPERTY:

6 [] Describe property
7
8 (If you claim other personal property as exempt,
9 you must attach a list of all other personal property
10 that you own.)

11

12 Print: Your name If married or in a state
13 registered domestic
14 partnership,
15 name of husband/wife/
16 state registered domestic
17 partner

18

19

20 Address Address
21 (if different from yours)

22

23 Telephone number Telephone number
24 (if different from yours)

25

26 Your signature

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

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

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

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

7
8 Name of Court
9 No
10 Plaintiff,
11 vs.
12 EXEMPTION CLAIM
13 Defendant,
14
15 Garnishee Defendant

16 INSTRUCTIONS:

- 17 1. Read this whole form after reading the enclosed
18 notice. Then put an X in the box or boxes that
19 describe your exemption claim or claims and write
20 in the necessary information on the blank lines. If
21 additional space is needed, use the bottom of the
22 last page or attach another sheet.
- 23 2. Make two copies of the completed form. Deliver
24 the original form by first-class mail or in person to
25 the clerk of the court, whose address is shown at
26 the bottom of the writ of garnishment. Deliver one
27 of the copies by first-class mail or in person to the
28 plaintiff or plaintiff's attorney, whose name and
29 address are shown at the bottom of the writ. Keep
30 the other copy. YOU SHOULD DO THIS AS
31 QUICKLY AS POSSIBLE, BUT NO LATER
32 THAN 28 DAYS (4 WEEKS) AFTER THE DATE
33 ON THE WRIT.

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

1 IF PENSION OR RETIREMENT BENEFITS ARE
2 GARNISHED:

3 [] Name and address of employer who is paying the
4 benefits:.....
5

6 IF EARNINGS ARE GARNISHED FOR PRIVATE
7 STUDENT LOAN DEBT:

8 [] I claim maximum exemption.

9
10 IF EARNINGS ARE GARNISHED FOR CONSUMER
11 DEBT:

12 [] I claim maximum exemption.

13

14 Print: Your name If married or in a state
15 registered domestic
16 partnership,
17 name of husband/wife/state
18 registered domestic partner

19

20

21 Address Address
22 (if different from yours)

23

24 Telephone number Telephone number
25 (if different from yours)

26

27 Your signature

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

34 IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE
35 PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE

1 CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE
2 PLAINTIFF'S ATTORNEY FEES.

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

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

9 **Sec. 5.** RCW 6.27.150 and 2021 c 35 s 3 are each amended to read
10 as follows:

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

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

17 (b) Seventy-five percent of the disposable earnings of the
18 defendant.

19 (2) In the case of a garnishment based on a court order for
20 spousal maintenance, other than a mandatory wage assignment order
21 pursuant to chapter 26.18 RCW, or a mandatory assignment of
22 retirement benefits pursuant to chapter 41.50 RCW, the exemption
23 shall be fifty percent of the disposable earnings of the defendant.

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

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

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

32 (4) (a) In the case of a garnishment based on a judgment or other
33 order for the collection of consumer debt, other than medical debt,
34 for each week of such earnings, an amount shall be exempt from
35 garnishment which is the greater of the following:

36 (~~(a)~~) (i) Thirty-five times the state minimum hourly wage; or

37 (~~(b)~~) (ii) Eighty percent of the disposable earnings of the
38 defendant.

1 (b) All earnings are exempt from garnishment for judgments
2 arising from medical debt as provided in RCW 6.27.020.

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

7 (6) Unless directed otherwise by the court, the garnishee shall
8 determine and deduct exempt amounts under this section as directed in
9 the writ of garnishment and answer, and shall pay these amounts to
10 the defendant.

11 (7) No money due or earned as earnings as defined in RCW 6.27.010
12 shall be exempt from garnishment under the provisions of RCW
13 6.15.010, as now or hereafter amended.

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