

HOUSE BILL NO. HB0181

Wage garnishment amendments.

Sponsored by: Representative(s) Stith, Barlow and Pelkey  
and Senator(s) Anselmi-Dalton

A BILL

for

1 AN ACT relating to civil procedure and trade and commerce;  
2 amending garnishment provisions to extend protections for  
3 exempt funds; specifying applicability; providing  
4 definitions; and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8       **Section 1.** W.S. 1-15-102(a) by creating a new  
9 paragraph (xiv), 1-15-408(a) and 40-14-505 by creating new  
10 subsections (d) and (e) are amended to read:

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12       **1-15-102. Definitions.**

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14       (a) As used in this chapter unless otherwise defined:

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1           (xiv) "Financial institution" means as defined  
2 in W.S. 13-1-401(a)(ii).

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4           **1-15-408. Garnishment of earnings for personal**  
5 **services.**

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7           (a) A writ of post judgment garnishment attaching  
8 earnings for personal services shall attach that portion of  
9 the defendant's accrued and unpaid disposable earnings,  
10 specified in subsection (b) of this section. The writ  
11 shall direct the garnishee to withhold from the defendant's  
12 accrued disposable earnings the amount attached pursuant to  
13 the writ and to pay the exempted amount to the defendant at  
14 the time his earnings are normally paid. A defendant's  
15 disposable earnings shall remain exempt to the extent  
16 provided in subsection (b) of this section if such earnings  
17 were deposited in the defendant's account with a financial  
18 institution within twenty (20) calendar days prior to  
19 service of a writ of garnishment against the defendant's  
20 account with the financial institution or within ten (10)  
21 business days after service of the writ. This subsection  
22 does not create any obligation on the part of a financial  
23 institution to conduct an investigation of the defendant's

1 account or otherwise make any determination about a  
2 judgment creditor's rights to funds in the account other  
3 than the financial institution's obligation to file with  
4 the court and serve on the defendant an answer to the writ  
5 of garnishment. A judgment creditor may request that the  
6 court issue writs of garnishment to a defendant's employer  
7 and the defendant's financial institution at the same time;  
8 provided, however, that should the judgment creditor  
9 successfully garnish earnings as shown on a defendant's pay  
10 advice, then the remaining proceeds from such pay advice  
11 deposited into an account with a financial institution  
12 shall be entirely exempt from execution, notwithstanding  
13 subsection (b) of this section. Earnings for personal  
14 services shall be deemed to accrue on the last day of the  
15 period in which they were earned or to which they relate.  
16 If the writ is served before or on the date the defendant's  
17 earnings accrue and before the same have been paid to the  
18 defendant, the writ shall be deemed to have been served at  
19 the time the periodic earnings accrue. If more than one (1)  
20 writ is served, the writ first served shall have priority.  
21 Notwithstanding any other provision of this subsection, an  
22 income withholding order for child support obtained

1 pursuant to W.S. 20-6-201 through 20-6-222 shall have  
2 priority over any other garnishment.

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4 **40-14-505. Limitation on garnishment.**

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6 (d) An individual's disposable earnings shall remain  
7 exempt to the extent provided in subsection (b) of this  
8 section if such earnings were deposited in the individual's  
9 account with a financial institution within twenty (20)  
10 calendar days prior to service of a writ of garnishment  
11 against the individual's account with the financial  
12 institution or within ten (10) business days after service  
13 of the writ. This subsection does not create any  
14 obligation on the part of a financial institution to  
15 conduct an investigation of the individual's account or  
16 otherwise make any determination about a judgment  
17 creditor's rights to funds in the account other than the  
18 financial institution's obligation to file with the court  
19 and serve on the individual an answer to the writ of  
20 garnishment. A judgment creditor may request that the court  
21 issue writs of garnishment to an individual's employer and  
22 the individual's financial institution at the same time;  
23 provided, however, that should the judgment creditor

1 successfully garnish earnings as shown on an individual's  
2 pay advice, then the remaining proceeds from such pay  
3 advice deposited into an account with a financial  
4 institution shall be entirely exempt from execution,  
5 notwithstanding subsection (b) of this section.

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7 (e) As used in this subsection "financial  
8 institution" means as defined in W.S. 13-1-401(a)(ii).

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10 **Section 2.** This act shall apply only to writs of  
11 garnishment issued on or after the effective date of this  
12 act.

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14 **Section 3.** This act is effective July 1, 2018.

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(END)