

HOUSE BILL NO. HB0089

Wage garnishment.

Sponsored by: Representative(s) Stith, Olsen and Pownall and
Senator(s) Nethercott

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 paragraph
9 (xiv), 1-15-408(a) and 40-14-505 by creating new subsections
10 (d) and (e) are amended to read:

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12 **1-15-102. Definitions.**

13

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

15

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

3
4 **1-15-408. Garnishment of earnings for personal**
5 **services.**

6
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 shall
11 direct the garnishee to withhold from the defendant's accrued
12 disposable earnings the amount attached pursuant to the writ
13 and to pay the exempted amount to the defendant at the time
14 his earnings are normally paid. A defendant's disposable
15 earnings shall remain exempt to the extent provided in
16 subsection (b) of this section if the earnings were deposited
17 in the defendant's account with a financial institution
18 within twenty (20) calendar days prior to service of a writ
19 of garnishment against the defendant's account with the
20 financial institution, on the day of service of the writ or
21 within ten (10) business days after service of the writ. This
22 subsection does not create any obligation on the part of a
23 financial institution to conduct an investigation of the

1 defendant's account or otherwise make any determination about
2 a judgment creditor's rights to funds in the account other
3 than the financial institution's obligation to file with the
4 court and serve on the defendant an answer to the writ of
5 garnishment. A judgment creditor may request that the court
6 issue writs of garnishment to a defendant's employer and the
7 defendant's financial institution at the same time; provided,
8 however, that should the judgment creditor successfully
9 garnish earnings as shown on a defendant's pay advice, then
10 the remaining proceeds from such pay advice deposited into an
11 account with a financial institution shall be entirely exempt
12 from execution, notwithstanding subsection (b) of this
13 section. Earnings for personal services shall be deemed to
14 accrue on the last day of the period in which they were earned
15 or to which they relate. If the writ is served before or on
16 the date the defendant's earnings accrue and before the same
17 have been paid to the defendant, the writ shall be deemed to
18 have been served at the time the periodic earnings accrue. If
19 more than one (1) writ is served, the writ first served shall
20 have priority. Notwithstanding any other provision of this
21 subsection, an income withholding order for child support
22 obtained pursuant to W.S. 20-6-201 through 20-6-222 shall
23 have priority over any other garnishment.

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2 **40-14-505. Limitation on garnishment.**

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

1 account with a financial institution shall be entirely exempt
2 from execution, notwithstanding subsection (b) of this
3 section.

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5 (e) As used in this section, "financial institution"
6 means as defined in W.S. 13-1-401(a)(ii).

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

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12 **Section 3.** This act is effective July 1, 2019.

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(END)