

ORIGINAL HOUSE
BILL NO. HB0089

ENROLLED ACT NO. 31, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

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

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

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

1-15-102. Definitions.

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

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

1-15-408. Garnishment of earnings for personal services.

(a) A writ of post judgment garnishment attaching earnings for personal services shall attach that portion of the defendant's accrued and unpaid disposable earnings, specified in subsection (b) of this section. The writ shall direct the garnishee to withhold from the defendant's accrued disposable earnings the amount attached pursuant to the writ and to pay the exempted amount to the defendant at the time his earnings are normally paid. A defendant's disposable earnings shall remain exempt to the extent provided in subsection (b) of this section if the earnings were deposited in the defendant's account with a financial institution within twenty (20) calendar days prior to service of a writ of garnishment against the defendant's account with the financial institution, on the day of service of the writ or

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within ten (10) business days after service of the writ. This subsection does not create any obligation on the part of a financial institution to conduct an investigation of the defendant's account or otherwise make any determination about a judgment creditor's rights to funds in the account other than the financial institution's obligation to file with the court and serve on the defendant an answer to the writ of garnishment. A judgment creditor may request that the court issue writs of garnishment to a defendant's employer and the defendant's financial institution at the same time; provided, however, that should the judgment creditor successfully garnish earnings as shown on a defendant's pay advice, then the remaining proceeds from such pay advice deposited into an account with a financial institution shall be entirely exempt from execution, notwithstanding subsection (b) of this section. Earnings for personal services shall be deemed to accrue on the last day of the period in which they were earned or to which they relate. If the writ is served before or on the date the defendant's earnings accrue and before the same have been paid to the defendant, the writ shall be deemed to have been served at the time the periodic earnings accrue. If more than one (1) writ is served, the writ first served shall have priority. Notwithstanding any other provision of this subsection, an income withholding order for child support obtained pursuant to W.S. 20-6-201 through 20-6-222 shall have priority over any other garnishment.

40-14-505. Limitation on garnishment.

(d) An individual's disposable earnings shall remain exempt to the extent provided in subsection (b) of this section if the earnings were deposited in the individual's account with a financial institution within twenty (20) calendar days prior to service of a writ of garnishment against the individual's account with the financial

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institution, on the day of service of the writ or within ten (10) business days after service of the writ. This subsection does not create any obligation on the part of a financial institution to conduct an investigation of the individual's account or otherwise make any determination about a judgment creditor's rights to funds in the account other than the financial institution's obligation to file with the court and serve on the individual an answer to the writ of garnishment. A judgment creditor may request that the court issue writs of garnishment to an individual's employer and the individual's financial institution at the same time; provided, however, that should the judgment creditor successfully garnish earnings as shown on an individual's pay advice, then the remaining proceeds from such pay advice deposited into an account with a financial institution shall be entirely exempt from execution, notwithstanding subsection (b) of this section.

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk