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Garnishment Fee Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Todd Weiler
House Sponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill addresses a fee for a writ of garnishment.

Highlighted Provisions:

This bill:

- modifies the garnishee fee for a writ of garnishment from a court; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 63A-3-507**, as last amended by Laws of Utah 2025, Chapters 59, 526
- 78A-2-216**, as last amended by Laws of Utah 2008, Chapter 149 and renumbered and amended by Laws of Utah 2008, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-3-507** is amended to read:

63A-3-507 . Administrative garnishment order.

- (1) Subject to Subsection (2), if a judgment is entered against a debtor, the office may issue an administrative garnishment order against the debtor's personal property, including wages, in the possession of or under the control of a party other than the debtor in the same manner and with the same effect as if the order was a writ of garnishment issued by a court with jurisdiction.
- (2) The office may issue the administrative garnishment order if:

- 29 (a) the order is signed by the director or the director's designee; and
30 (b) the underlying debt is for:
- 31 (i) nonpayment of a civil accounts receivable or a civil judgment of restitution; or
32 (ii) nonpayment of a judgment, or abstract of judgment or award filed with a court,
33 based on an administrative order for payment issued by an agency of the state.
- 34 (3) An administrative garnishment order issued in accordance with this section is subject to
35 the procedures and due process protections provided by Rule 64D, Utah Rules of Civil
36 Procedure, except as provided by Section 70C-7-103.
- 37 (4) An administrative garnishment order issued by the office shall:
- 38 (a) contain a statement that includes:
- 39 (i) if known:
- 40 (A) the nature, location, account number, and estimated value of the property; and
41 (B) the name, address, and phone number of the person holding the property;
- 42 (ii) whether any of the property consists of earnings;
- 43 (iii) the amount of the judgment and the amount due on the judgment; and
44 (iv) the name, address, and phone number of any person known to the plaintiff to
45 claim an interest in the property;
- 46 (b) identify the defendant, including the defendant's name and last known address;
- 47 (c) notify the defendant of the defendant's right to reply to answers and request a hearing
48 as provided by Rule 64D, Utah Rules of Civil Procedure; and
- 49 (d) state where the garnishee may deliver property.
- 50 (5) The office may, in the office's discretion, include in an administrative garnishment order:
- 51 (a) the last four digits of the defendant's Social Security number;
- 52 (b) the last four digits of the defendant's driver license number;
- 53 (c) the state in which the defendant's driver license was issued;
- 54 (d) one or more interrogatories inquiring:
- 55 (i) whether the garnishee is indebted to the defendant and, if so, the nature of the
56 indebtedness;
- 57 (ii) whether the garnishee possesses or controls any property of the defendant and, if
58 so, the nature, location, and estimated value of the property;
- 59 (iii) whether the garnishee knows of any property of the defendant in the possession
60 or under the control of another and, if so:
- 61 (A) the nature, location, and estimated value of the property; and
62 (B) the name, address, and telephone number of the person who has possession or

- 63 control of the property;
- 64 (iv) whether the garnishee is deducting a liquidated amount in satisfaction of a claim
65 against the plaintiff or the defendant, whether the claim is against the plaintiff or
66 the defendant, and the amount deducted;
- 67 (v) the date and manner of the garnishee's service of papers upon the defendant and
68 any third party;
- 69 (vi) the dates on which any previously served writs of continuing garnishment were
70 served; and
- 71 (vii) any other relevant information, including the defendant's position, rate of pay,
72 method of compensation, pay period, and computation of the amount of the
73 defendant's disposable earnings.
- 74 (6)(a) A garnishee who acts in accordance with this section and the administrative
75 garnishment issued by the office is released from liability unless an answer to an
76 interrogatory is successfully controverted.
- 77 (b) Except as provided in Subsection (6)(c), if the garnishee fails to comply with an
78 administrative garnishment issued by the office without a court or final
79 administrative order directing otherwise, the garnishee is liable to the office for an
80 amount determined by the court.
- 81 (c) The amount for which a garnishee is liable under Subsection (6)(b) includes:
- 82 (i)(A) the value of the judgment; or
- 83 (B) the value of the property, if the garnishee shows that the value of the property
84 is less than the value of the judgment;
- 85 (ii) reasonable costs; and
- 86 (iii) attorney fees incurred by the parties as a result of the garnishee's failure.
- 87 (d) If the garnishee shows that the steps taken to secure the property were reasonable,
88 the court may excuse the garnishee's liability in whole or in part.
- 89 (7)(a) If the office has reason to believe that a garnishee has failed to comply with the
90 requirements of this section in the garnishee's response to a garnishment order issued
91 under this section, the office may submit a motion to the court requesting the court to
92 issue an order against the garnishee requiring the garnishee to appear and show cause
93 why the garnishee should not be held liable under this section.
- 94 (b) The office shall attach to a motion under Subsection (7)(a) a statement that the office
95 has in good faith conferred or attempted to confer with the garnishee in an effort to
96 settle the issue without court action.

- 97 (8) A person is not liable as a garnishee for drawing, accepting, making, or endorsing a
98 negotiable instrument if the instrument is not in the possession or control of the
99 garnishee at the time of service of the administrative garnishment order.
- 100 (9)(a) A person indebted to the defendant may pay to the office the amount of the debt
101 or an amount to satisfy the administrative garnishment.
- 102 (b) The office's receipt of an amount described in Subsection (9)(a) discharges the
103 debtor for the amount paid.
- 104 (10) A garnishee may deduct from the property any liquidated claim against the defendant
105 that is due to the garnishee at the time of service.
- 106 (11)(a) If a debt to the garnishee is secured by property, the office:
- 107 (i) is not required to apply the property to the debt when the office issues the
108 administrative garnishment order; and
- 109 (ii) may obtain a court order authorizing the office to buy the debt and requiring the
110 garnishee to deliver the property.
- 111 (b) Notwithstanding Subsection (11)(a)(i):
- 112 (i) the administrative garnishment order remains in effect; and
- 113 (ii) the office may apply the property to the debt.
- 114 (c) The office or a third party may perform an obligation of the defendant and require
115 the garnishee to deliver the property upon completion of performance or, if
116 performance is refused, upon tender of performance if:
- 117 (i) the obligation is secured by property; and
- 118 (ii)(A) the obligation does not require the personal performance of the defendant;
119 and
- 120 (B) a third party may perform the obligation.
- 121 (12)(a) The office may issue a continuing garnishment order against a nonexempt
122 periodic payment.
- 123 (b) This section is subject to the Utah Exemptions Act.
- 124 (c) A continuing garnishment order issued in accordance with this section applies to
125 payments to, or for the benefit of, the defendant from the date of service upon the
126 garnishee until the earliest of the following:
- 127 (i) the last periodic payment;
- 128 (ii) the judgment upon which the administrative garnishment order is issued is stayed,
129 vacated, or satisfied in full; or
- 130 (iii) the office releases the order.

- 131 (d) No later than seven days after the last day of each payment period, the garnishee
132 shall with respect to that period:
- 133 (i) answer each interrogatory;
- 134 (ii) serve an answer to each interrogatory on the office, the defendant, and any other
135 person who has a recorded interest in the property; and
- 136 (iii) deliver the property to the office.
- 137 (e) If the office issues a continuing garnishment order during the term of a writ of
138 continuing garnishment issued by a court, the order issued by the office:
- 139 (i) is tolled when a writ of garnishment or other income withholding is already in
140 effect and is withholding greater than or equal to the maximum portion of
141 disposable earnings described in Subsection (13);
- 142 (ii) is collected in the amount of the difference between the maximum portion of
143 disposable earnings described in Subsection (13) and the amount being garnished
144 by an existing writ of continuing garnishment if the maximum portion of
145 disposable earnings exceed the existing writ of garnishment or other income
146 withholding; and
- 147 (iii) shall take priority upon the termination of the current term of existing writs.
- 148 (13) The maximum portion of disposable earnings of an individual subject to seizure in
149 accordance with this section is the lesser of:
- 150 (a) 25% of the defendant's disposable earnings for any other judgment; or
- 151 (b) the amount by which the defendant's disposable earnings for a pay period exceeds
152 the number of weeks in that pay period multiplied by 30 times the federal minimum
153 wage as provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards Act of 1938.
- 154 (14)(a) In accordance with the requirements of this Subsection (14), the office may, at its
155 discretion, determine a dollar amount that a garnishee is to withhold from earnings
156 and deliver to the office in a continuing administrative garnishment order issued
157 under this section.
- 158 (b) The office may determine the dollar amount that a garnishee is to withhold from
159 earnings under Subsection (14)(a) if the dollar amount determined by the office:
- 160 (i) does not exceed the maximum amount allowed under Subsection (13); and
- 161 (ii) is based on:
- 162 (A) earnings information received by the office directly from the Department of
163 Workforce Services; or
- 164 (B) previous garnishments issued to the garnishee by the office where payments

- 165 were received at a consistent dollar amount.
- 166 (c) The earnings information or previous garnishments relied on by the office under
167 Subsection (14)(b)(ii) to calculate a dollar amount under this Subsection (14) shall be:
168 (i) for one debtor;
169 (ii) from the same employer;
170 (iii) for two or more consecutive quarters; and
171 (iv) received within the last six months.
- 172 (15)(a) A garnishee who provides the calculation for withholdings on a defendant's
173 wages in the garnishee's initial response to an interrogatory in an administrative
174 garnishment order under this section is not required to provide the calculation for
175 withholdings after the garnishee's initial response if:
176 (i) the garnishee's accounting system automates the amount of defendant's wages to
177 be paid under the garnishment; and
178 (ii) the defendant's wages do not vary by more than five percent from the amount
179 disclosed in the garnishee's initial response.
- 180 (b) Notwithstanding Subsection (15)(a), upon request by the office or the defendant, a
181 garnishee shall provide, for the last pay period or other pay period specified by the
182 office or defendant, a calculation of the defendant's wages and withholdings and the
183 amount garnished.
- 184 (16)(a) A garnishee under an administrative garnishment order under this section is
185 entitled to receive a garnishee fee~~[, as provided in this Subsection (16);]~~ in the
186 amount of:
187 (i) \$10 per garnishment order, for a noncontinuing garnishment order; and
188 (ii) \$25, as a one-time fee, for a continuing garnishment order.
- 189 (b) A garnishee may deduct the amount of the garnishee fee from the amount to be [
190 ~~remitted]~~ sent to the office under the administrative garnishment order~~;~~ if the
191 amount to be [~~remitted]~~ sent exceeds the amount of the fee.
- 192 (c) If the amount to be [~~remitted]~~ sent to the office under an administrative garnishment
193 order does not exceed the amount of the garnishee fee:
194 (i) the garnishee shall notify the office that the amount to be [~~remitted]~~ sent does not
195 exceed the amount of the garnishee fee; and
196 (ii)(A) the garnishee under a noncontinuing garnishment order shall return the
197 administrative garnishment order to the office~~;~~ and the office shall pay the
198 garnishee the garnishee fee; or

199 (B) the garnishee under a continuing garnishment order shall delay [~~remitting~~
 200 sending any amount to the office until the amount to be [~~remitted~~] sent exceeds
 201 the garnishee fee.

202 (d) If, upon receiving the administrative garnishment order, the garnishee does not
 203 possess or control any property, including money or wages, in which the defendant
 204 has an interest:

205 (i) the garnishee under a continuing or noncontinuing garnishment order shall, except
 206 as provided in Subsection (16)(d)(ii), return the administrative garnishment order
 207 to the office, and the office shall pay the garnishee the applicable garnishee fee; or

208 (ii) if the garnishee under a continuing garnishment order believes that the garnishee
 209 will, within 90 days after issuance of the continuing garnishment order, come into
 210 possession or control of property in which the defendant owns an interest, the
 211 garnishee may retain the garnishment order and deduct the garnishee fee for a
 212 continuing garnishment once the amount to be remitted exceeds the garnishee fee.

213 (17) Section 78A-2-216 does not apply to an administrative garnishment order issued under
 214 this section.

215 (18) An administrative garnishment instituted in accordance with this section shall continue
 216 to operate and require that a person withhold the nonexempt portion of earnings at each
 217 succeeding earning disbursement interval until the total amount due in the garnishment
 218 is withheld or the garnishment is released in writing by the court or office.

219 (19) If the office issues an administrative garnishment order under this section to collect an
 220 amount owed on a civil accounts receivable or a civil judgment of restitution, the
 221 administrative garnishment order shall be construed as a continuation of the criminal
 222 action for which the civil accounts receivable or civil judgment of restitution arises if the
 223 amount owed is from a fine, fee, or restitution for the criminal action.

224 Section 2. Section **78A-2-216** is amended to read:

225 **78A-2-216 . Fees for writ of garnishment -- Single or continuing.**

226 [~~(1) Any creditor who serves or causes to be served a writ of garnishment upon the~~
 227 ~~garnishee shall pay to the garnishee:]~~

228 [~~(a) \$10 for a single garnishment; and]~~

229 [~~(b) \$25 for a continuing garnishment.]~~

230 [~~(2) The creditor shall pay the fee directly to the garnishee.]~~

231 (1) A garnishee under a writ of garnishment from a court is entitled to receive a garnishee
 232 fee in the amount of:

- 233 (a) \$10 if the writ of garnishment is for a single garnishment; and
234 (b) \$25, as a one-time fee, if the writ of garnishment is for a continuing garnishment.
- 235 (2) A garnishee may deduct the amount of a garnishee fee described in Subsection (1) from
236 the amount to be sent to the creditor under the writ of garnishment if the amount to be
237 sent exceeds the amount of the fee.
- 238 (3) If the amount to be sent to the creditor under a writ of garnishment does not exceed the
239 garnishee fee described in Subsection (1):
- 240 (a) the garnishee shall notify the creditor that the amount to be sent does not exceed the
241 amount of the garnishee fee; and
- 242 (b)(i) for a writ of garnishment that is a single garnishment:
- 243 (A) the garnishee shall return the writ of garnishment to the creditor; and
244 (B) the creditor shall pay the garnishee fee to the garnishee; or
- 245 (ii) for a writ of garnishment that is a continuing garnishment, the garnishee shall
246 delay sending any amount until the amount to be sent exceeds the garnishee fee.
- 247 ~~(3)~~ (4) If a plaintiff attempts to garnish the property of a person other than the defendant
248 by serving a garnishment on a garnishee, that person may recover from the plaintiff an
249 amount not to exceed \$1,000 if the person demonstrates to the court that the plaintiff
250 failed to exercise reasonable diligence in determining that the person and defendant were
251 the same individual.
- 252 ~~(4)~~ (5) The following factors may be taken into consideration by the court in determining
253 whether the plaintiff exercised reasonable diligence in determining whether the person
254 garnished and the defendant were the same individual:
- 255 (a) similarities between the person and the actual judgment debtor, including:
- 256 (i) the spelling of each person's name;
257 (ii) addresses;
258 (iii) physical descriptions;
259 (iv) identifying information, including Social Security number or driver license
260 number; and
261 (v) family status;
- 262 (b) whether previous contact was made to determine whether the person was the
263 judgment debtor;
- 264 (c) how the determination of who the judgment debtor was, was made; and
265 (d) what information the plaintiff had access to or was provided with regarding the
266 actual judgment debtor from all available sources.

267 [~~(5)~~] (6)(a) An employer who receives a written request for verification of employment,
268 which includes a copy of the judgment and judgment information statement, shall
269 provide verification within 10 days.

270 (b) The response shall indicate whether or not the defendant identified in the
271 documentation is a current employee.

272 [~~(6)~~] (7) A plaintiff is not liable for a violation of Subsection [~~(3)~~] (4) regarding a wage
273 garnishment if the plaintiff transmitted a written request for verification of employment,
274 including a copy of the judgment and judgment information statement, to an employer
275 and the employer did not respond.

276 Section 3. **Effective Date.**

277 This bill takes effect on May 6, 2026.