

S.B. 129

OFFICE OF STATE DEBT COLLECTION - WRIT OF GARNISHMENT

Senator **Lyle W. Hillyard** proposes the following amendments:

1. *Page 1, Lines 1 through 2:*

1 OFFICE OF STATE DEBT COLLECTION - {~~WRIT OF~~
2 ~~GARNISHMENT~~} ADMINISTRATIVE GARNISHMENT ORDER

2. *Page 1, Lines 10 through 11:*

10 This bill authorizes the Office of State Debt Collection to issue {~~a writ of garnishment~~} an
11 administrative garnishment order
11 for a wage claim debt or criminal restitution debt.

3. *Page 1, Lines 14 through 16:*

14 ▶ authorizes the Office of State Debt Collection (the office) to issue {~~a writ of~~
15 ~~garnishment~~} an administrative garnishment order for a wage claim debt or criminal restitution debt;
16 ▶ requires the office to include certain information in the {~~writ~~} order ;

4. *Page 2, Lines 31 through 35:*

31 63A-3-507. Administrative {~~writ of~~} garnishment order .
32 (1) If a judgment {~~or final administrative order~~} is entered against a debtor, the office
33 may, subject to Subsection (2), issue {~~a writ of garnishment~~} an administrative garnishment order
34 against the debtor's personal
34 property and wages in the possession of a third party in the same manner and with the same
35 effect as if the {~~writ were~~} order was a writ of garnishment issued {~~on a judgment of~~
35 ~~a~~} in district court.

5. *Page 2, Lines 36 through 37:*

36 (2) The office may issue the {~~writ of garnishment~~} administrative garnishment order if:
37 (a) the {~~writ~~} order is:

6. *Page 2, Line 45:*

45 (3) {~~A writ of garnishment~~} An administrative garnishment order issued in accordance
with this section is subject to the

7. Page 2, Line 48:

48 (4) An administrative ~~{writ of}~~ garnishment order issued by the office shall:

8. Page 4, Lines 103 through 105:

103 (7) A person is not liable as a garnishee for drawing, accepting, making, or endorsing a
104 negotiable instrument if the instrument is not in the possession or control of the garnishee at
105 the time of service of the ~~{writ of}~~ administrative garnishment order .

9. Page 4, Lines 113 through 114:

113 (i) is not required to apply the property to the debt when the office issues the ~~{writ of~~
114 garnishment} administrative garnishment order ; and

10. Page 4, Lines 117 through 118:

117 (b) Notwithstanding Subsection (10)(a)(i):
118 (i) the ~~{writ of garnishment}~~ administrative garnishment order remains in effect; and

11. Page 5, Line 126:

126 (11) (a) The office may issue a ~~{writ of}~~ continuing garnishment order against a nonexempt

12. Page 5, Line 132:

132 (c) A ~~{writ of}~~ continuing garnishment order issued in accordance with this section applies to

13. Page 5, Lines 136 through 138:

136 (ii) the judgment ~~{or administrative order}~~ upon which the ~~{writ of~~
garnishment} administrative garnishment order is issued
137 is stayed, vacated, or satisfied in full; or
138 (iii) the office releases the ~~{writ}~~ order .

14. Page 5, Lines 145 through 146:

145 (e) If the office issues a ~~{writ of}~~ continuing garnishment order during the term of
~~{another}~~ a writ
146 of continuing garnishment issued by the district court , the ~~{writ}~~ order issued by the office:

15. Page 5, Line 151:

151 disposable earnings described in Subsection (12) and the amount being garnished by ~~{the other}~~ an
existing