

SB0126S01 compared with SB0126

~~{deleted text}~~ shows text that was in SB0126 but was deleted in SB0126S01.

Inserted text shows text that was not in SB0126 but was inserted into SB0126S01.

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Senator Todd Weiler proposes the following substitute bill:

COLLECTION PROCESS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to collection processes.

Highlighted Provisions:

This bill:

- ▶ modifies ~~{provisions relating to processes to obtain property held by a governmental entity, including narrowing }~~ a provision prohibiting execution, attachment, or garnishment to ~~{apply to efforts to collect a judgment}~~; issue against a governmental entity ~~{or the governmental entity's employee}~~; and
- ▶ provides an exception for a judgment creditor's garnishment of a state income tax refund owing to the judgment debtor.

Money Appropriated in this Bill:

None

SB0126S01 compared with SB0126

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-7-603, as renumbered and amended by Laws of Utah 2008, Chapter 382

~~{ **78B-5-808**, as renumbered and amended by Laws of Utah 2008, Chapter 3~~

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

Section 1. Section **63G-7-603** is amended to read:

63G-7-603. Exemplary or punitive damages prohibited -- Governmental entity
~~{**exempt from**}~~**not subject to execution, attachment, or garnishment -- Exception.**

(1) (a) A judgment may not be rendered against a governmental entity for exemplary or punitive damages.

(b) If a governmental entity would be required to pay the judgment under Section 63G-7-902 or 63G-7-903, the governmental entity shall pay any judgment or portion of any judgment entered against its employee in the employee's personal capacity even if the judgment is for or includes exemplary or punitive damages.

(2) ~~[**Execution**]~~ **(a) Except as provided in Subsection (2)(b), execution,** attachment, or garnishment may not issue against a governmental entity ~~{ in aid of collecting a judgment against the governmental entity or the governmental entity's employee.~~

~~Section 2. Section **78B-5-808** is amended to read:~~

~~**78B-5-808. Salaries of public officers subject to garnishment.**~~

~~The state and any subdivision, agency, or institution of the state [which] that has in its possession or under its control any credits or other personal property of[,] or owing [any debt to, the] to a defendant in any action[, whether as salary or wages, as a public official or employee] may be subject to attachment, garnishment, and execution in accordance with any rights, remedies, and procedures applicable to attachment, garnishment, and execution, respectively, except as provided in Section 78B-5-809.~~

SB0126S01 compared with SB0126

Legislative Review Note

Office of Legislative Research and General Counsel,

(b) A judgment creditor may garnish a state income tax refund owing to the judgment debtor