

SB20-211

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

- 1 Amend printed bill, page 3, line 10, strike "**debt**".
- 2 Page 3, strike lines 18 and 19.
- 3 Page 3, line 22, strike "ONE" and substitute "ON NOVEMBER 1, 2020, A  
4 JUDGMENT CREDITOR SHALL NOT INITIATE OR MAINTAIN A NEW  
5 EXTRAORDINARY COLLECTION ACTION EXCEPT IN ACCORDANCE WITH THE  
6 REQUIREMENTS OF THIS SECTION.".
- 7 Page 3, strike lines 23 and 24.
- 8 Page 3, line 25, strike "ACTION.".
- 9 Page 3, line 27, strike "ACTION." and substitute "ACTION IF THE COURT  
10 FINDS THAT THE ACTION DOES NOT COMPLY WITH THE REQUIREMENTS OF  
11 THIS SECTION.".
- 12 Page 4, line 8, strike "FOR UP TO AN ADDITIONAL ONE HUNDRED EIGHTY  
13 DAYS" and substitute "THROUGH FEBRUARY 1, 2021,".
- 14 Page 4, after line 13 insert:

15       "(4) FOR THE DURATION OF THE PERIOD ESTABLISHED IN  
16 SUBSECTION (2) OF THIS SECTION, AND AS IT MAY BE EXTENDED UNDER  
17 SUBSECTION (3) OF THIS SECTION, PRIOR TO THE EXECUTION OR SERVICE  
18 OF A WRIT OR LEGAL PROCESS INTENDED TO EFFECT AN EXTRAORDINARY  
19 COLLECTION ACTION, THE JUDGMENT CREDITOR SHALL PROVIDE A  
20 WRITTEN NOTICE TO THE JUDGMENT DEBTOR. THE NOTICE MUST BE SENT  
21 TO THE JUDGMENT DEBTOR AT LEAST TEN DAYS, BUT NOT MORE THAN  
22 SIXTY DAYS, PRIOR TO THE EXECUTION OR SERVICE OF A WRIT OR LEGAL  
23 PROCESS INTENDED TO EFFECT THE EXTRAORDINARY COLLECTION ACTION  
24 DURING THE DURATION OF THE PERIOD ESTABLISHED IN ACCORDANCE  
25 WITH SUBSECTION (2) OF THIS SECTION, AND AS IT MAY BE EXTENDED  
26 UNDER SUBSECTION (3) OF THIS SECTION.

27       (5) (a) (I) THE NOTICE REQUIRED BY SUBSECTION (4) OF THIS  
28 SECTION MUST BE IN AT LEAST SIXTEEN POINT TYPE FACE, AND MUST  
29 INCLUDE THE FOLLOWING:

30       **"YOU HAVE THE RIGHT TO TEMPORARILY SUSPEND THIS**  
31       **COLLECTION ACTION IF YOU ARE FACING FINANCIAL**  
32       **HARDSHIP DUE TO THE COVID-19 EMERGENCY.**

1 JUDGMENT CREDITOR NAME:  
2 JUDGMENT CREDITOR ADDRESS:  
3 CASE NUMBER:  
4 PHONE:

5 THE ABOVE JUDGMENT CREDITOR INTENDS ON EXECUTING A COLLECTION  
6 ACTION AGAINST YOU. IF YOU HAVE EXPERIENCED FINANCIAL HARDSHIP  
7 DUE TO THE COVID-19 EMERGENCY, DIRECTLY OR INDIRECTLY, YOU  
8 HAVE THE RIGHT TO SUSPEND TEMPORARILY THIS EXTRAORDINARY  
9 COLLECTION ACTION. THE SUSPENSION IS EFFECTIVE UNTIL NOVEMBER 1,  
10 2020, OR FEBRUARY 1, 2021, IF THE STATE OF COLORADO EXTENDS THE  
11 PERIOD OF SUSPENSION.

12 **TO EXERCISE THIS RIGHT, YOU MUST NOTIFY THE JUDGMENT CREDITOR**  
13 **THAT YOU ARE EXPERIENCING FINANCIAL HARDSHIP DUE TO THE**  
14 **COVID-19 EMERGENCY. YOU CAN PROVIDE THIS NOTICE BY PHONE CALL**  
15 **OR BY WRITING TO THE CREDITOR AT THE ADDRESS SHOWN IN THIS NOTICE.**  
16 **YOUR NOTIFICATION TO THE JUDGMENT CREDITOR MUST INCLUDE YOUR**  
17 **FULL NAME (FIRST AND LAST), THE CASE NUMBER IDENTIFIED ABOVE AND**  
18 **AT LEAST ONE (1) ADDITIONAL PIECE OF THE FOLLOWING INFORMATION:**  
19 **YOUR DATE OF BIRTH, SOCIAL SECURITY NUMBER, PHYSICAL AND MAILING**  
20 **ADDRESSES, OR THE JUDGMENT CREDITOR'S INTERNAL ACCOUNT NUMBER**  
21 **OR IDENTIFIER, IF DIFFERENT FROM THE CASE NUMBER DESIGNATED**  
22 **ABOVE. YOU ARE NOT REQUIRED TO PROVIDE DOCUMENTATION TO**  
23 **SUPPORT YOUR REQUEST.**

24 NOTE: REQUESTING THE TEMPORARY SUSPENSION OF THIS  
25 EXTRAORDINARY DEBT COLLECTION ACTION IS NOT A WAIVER OF THE  
26 OBLIGATION TO PAY OR DEBT FORGIVENESS. INTEREST MAY CONTINUE TO  
27 ACCRUE ON THE JUDGMENT DEBT EVEN WHILE EXTRAORDINARY  
28 COLLECTION ACTIONS ARE SUSPENDED.

29 YOU MAY ENTER INTO A VOLUNTARY REPAYMENT PLAN WITH THE  
30 JUDGMENT CREDITOR, BUT YOU ARE NOT REQUIRED TO DO SO."

31 (II) A NOTICE ISSUED BY A BANK TO A JUDGMENT DEBTOR MUST  
32 ALSO INCLUDE ALL NECESSARY FEDERAL REGULATORY LANGUAGE.  
33 (b) THE NOTICE REQUIREMENTS UNDER THIS SECTION TERMINATE  
34 ONCE THE PERIOD PROSCRIBED IN SUBSECTION (2) OF THIS SECTION, AND  
35 AS IT MAY BE EXTENDED UNDER SUBSECTION (3) OF THIS SECTION,  
36 EXPIRES. THE NOTICE MUST BE SENT TO A JUDGMENT DEBTOR AT THE  
37 DEBTOR'S LAST KNOWN ADDRESS TO THE JUDGMENT CREDITOR. AN  
38 ADDITIONAL COPY OF THE NOTICE MUST ALSO BE SERVED WITH THE WRIT

1 OF GARNISHMENT. IN THE CASE OF A WRIT OF CONTINUING GARNISHMENT  
2 FOR WAGES, THE NOTICE MUST ACCOMPANY THE WRIT SERVED UPON THE  
3 GARNIShee. THE FAILURE OF THE GARNIShee OR ITS AGENT TO PROVIDE  
4 THE NOTICE TO THE JUDGMENT DEBTOR REQUIRED BY THIS SUBSECTION (5)  
5 DOES NOT CREATE A CAUSE OF ACTION OR REMEDY AGAINST A JUDGMENT  
6 CREDITOR.".

7 Renumber succeeding subsection accordingly.

8 Page 4, lines 15 and 16, strike "**amend** (1)(e), (1)(j)(I), and (1)(j)(II)(A);  
9 and".

10 Page 4, line 17, strike "**definitions.**" and substitute "**definitions -**  
11 **repeal.**".

12 Page 4, strike lines 20 through 27.

13 Page 5, strike lines 1 through 3 and substitute:

14        "(w) (I) THROUGH FEBRUARY 1, 2021, UP TO FOUR THOUSAND  
15 DOLLARS CUMULATIVE IN A DEPOSITORY ACCOUNT OR ACCOUNTS IN THE  
16 NAME OF THE DEBTOR.

17        (II) THIS SUBSECTION (1)(w) IS REPEALED, EFFECTIVE SEPTEMBER  
18 1, 2022.".

19 Page 5, strike lines 4 through 22.

20 Renumber succeeding sections accordingly.

21 Page 6, line 3, strike "Sections 3 and 4" and substitute "Section 3".

22 Page 6, lines 3 and 4, strike "apply to writs of garnishment, attachment,  
23 or execution" and substitute "applies to writs of attachment or execution".

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