

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0805.01 Michael Dohr x4347

HOUSE BILL 19-1189

HOUSE SPONSORSHIP

Gray and Valdez A., Bird, Galindo, Herod, Jaquez Lewis

SENATE SPONSORSHIP

Bridges and Fields,

House Committees
Finance

Senate Committees
Finance

A BILL FOR AN ACT

101 **CONCERNING WAGE GARNISHMENT REFORM, AND, IN CONNECTION**
102 **THEREWITH, REDUCING DISPOSABLE EARNINGS BY HEALTH**
103 **INSURANCE PREMIUMS, REDUCING THE AMOUNT THAT IS**
104 **SUBJECT TO GARNISHMENT, AND PROVIDING MORE DETAILED**
105 **INFORMATION TO THE JUDGMENT DEBTOR REGARDING**
106 **GARNISHMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, the amount of an individual's disposable

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 9, 2019

HOUSE
Amended 2nd Reading
April 8, 2019

earnings subject to garnishment is either 25% of the individual's disposable earnings for a week or the amount an individual's disposable earnings for a week exceed 30 times the state or federal minimum wage, whichever is less. The bill changes the amount subject to garnishment from 25% to 15% of the individual's disposable weekly earnings and from 30 times to 50 times the amount an individual's disposable earnings for a week exceed the state or federal minimum wage. Currently, the cost of court-ordered health insurance for a child provided by an individual is deducted from the individual's disposable earnings subject to garnishment. The bill also deducts from an individual's disposable earnings subject to garnishment the cost of any health insurance that is provided by the individual's employer and voluntarily withheld from the individual's earnings.

The bill creates an exemption that would permit individuals to prove that the amount of their pay subject to garnishment should be further reduced or eliminated altogether if the individual can establish that such reductions are necessary to support the individual or the individual's family. The bill also requires clearer and more timely notice to an individual whose wages are being garnished and gives the individual more time after receiving the notice before garnishment starts.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-54.5-102, **amend**
3 (1) and (2); and **add** (2.5) as follows:

4 **13-54.5-102. Continuing garnishment - creation of lien.** (1) In
5 addition to garnishment proceedings otherwise available ~~under~~ PURSUANT
6 TO the laws of this state in any case in which a money judgment is
7 obtained in a court of competent jurisdiction, the judgment creditor or its
8 assignees ~~shall be~~ ARE entitled, on notice to the judgment debtor required
9 by ~~section 13-54.5-105~~ SECTION 13-54.5-105 (5)(b), to apply to the clerk
10 of such court for garnishment against any garnishee. To the extent that the
11 earnings are not exempt from garnishment, such garnishment ~~shall be~~ IS
12 a lien and continuing levy upon the earnings due or to become due from
13 the garnishee to the judgment debtor CONSISTENT AND IN ACCORDANCE
14 WITH THE REQUIREMENTS OF SECTION 13-54.5-105 (6).

1 (2) Garnishment pursuant to subsection (1) of this section ~~shall be~~
2 is a lien and continuing levy against said earnings due for one hundred
3 eighty-two days ~~following service of the writ~~ CONSISTENT AND IN
4 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13-54.5-105 (6) or for
5 one hundred eighty-two days following the expiration of any writs with
6 a priority ~~under~~ PURSUANT TO section 13-54.5-104, but such lien ~~shall be~~
7 IS terminated earlier than one hundred eighty-two days if earnings are no
8 longer due; the underlying judgment is vacated, modified, or satisfied in
9 full; or the writ is dismissed; except that a continuing garnishment may
10 be suspended for a specified period of time by the judgment creditor upon
11 agreement with the judgment debtor, which agreement shall be in writing
12 and filed by the judgment creditor with the clerk of the court in which the
13 judgment was entered and a copy of which shall be delivered by the
14 judgment creditor to the garnishee.

15 (2.5) A GARNISHEE IS NOT REQUIRED TO COLLECT, POSSESS, OR
16 CONTROL THE JUDGMENT DEBTOR'S TIPS, AND ANY TIPS ARE NOT OWED BY
17 A GARNISHEE TO A JUDGMENT CREDITOR.

18 **SECTION 2.** In Colorado Revised Statutes, 13-54.5-103, **amend**
19 (3); and **repeal** (1) as follows:

20 **13-54.5-103. Property or earnings subject to garnishment.**

21 (1) ~~Any earnings owed by the garnishee to the judgment debtor at the~~
22 ~~time of service of the writ of continuing garnishment upon the garnishee~~
23 ~~and all earnings accruing from the garnishee to the judgment debtor from~~
24 ~~such date of service up to and including the ninetieth day thereafter shall~~
25 ~~be subject to the process of continuing garnishment. A garnishee shall not~~
26 ~~be required to collect, possess, or control the judgment debtor's tips, and~~
27 ~~any such tips shall not be owed by a garnishee to a judgment debtor.~~

1 (3) Notwithstanding the provisions of ~~subsections (1) and (2)~~
2 SUBSECTION(2) of this section, the exemptions from garnishment required
3 or allowed by law, including but not limited to exemptions provided by
4 sections 13-54-102 and 13-54-104 and 15 U.S.C. sec. 1671 et seq., shall
5 apply to all garnishments.

6 **SECTION 3.** In Colorado Revised Statutes, 13-54-104, **amend**
7 (1)(a), (2)(a) introductory portion, and (2)(a)(I) as follows:

8 **13-54-104. Restrictions on garnishment and levy under**
9 **execution or attachment - definitions.** (1) As used in this section,
10 unless the context otherwise requires:

11 (a) "Disposable earnings" means that part of the earnings of any
12 individual remaining after the deduction from those earnings of any
13 amounts required by law to be withheld and after the deduction of the
14 cost of any health insurance provided by the individual pursuant to
15 section 14-14-112 ~~C.R.S.~~ AND THE COST OF ANY HEALTH INSURANCE FOR
16 THE INDIVIDUAL OR MEMBERS OF THE INDIVIDUAL'S HOUSEHOLD THAT IS
17 PROVIDED BY THE INDIVIDUAL'S EMPLOYER AND WITHHELD FROM THE
18 INDIVIDUAL'S EARNINGS. In the case of an order for the support of a
19 spouse, former spouse, or dependent child, "disposable earnings" includes
20 ~~moneys~~ MONEY voluntarily deposited in tax-deferred compensation funds.

21 (2) (a) Except as provided in subsection (3) of this section, the
22 maximum part of the aggregate disposable earnings of an individual for
23 any workweek ~~which~~ THAT is subjected to garnishment or levy under
24 execution or attachment may not exceed:

25 (I) For debts other than debts ~~under subparagraph (H) of this~~
26 ~~paragraph (a)~~ PURSUANT TO SUBSECTION (2)(a)(II) OF THIS SECTION, the
27 lesser of:

1 (A) ~~Twenty-five~~ TWENTY percent of the individual's disposable
2 earnings for that week; or

3 (B) The amount by which the individual's disposable earnings for
4 that week exceed ~~thirty~~ FORTY times the federal minimum hourly wage
5 prescribed by ~~section 206 (a)(1) of title 29 of the United States Code 29~~
6 U.S.C. SEC. 206 (a)(1) in effect at the time the earnings are payable; or

7 (C) The amount by which the individual's disposable earnings for
8 that week exceed ~~thirty~~ FORTY times the state minimum hourly wage
9 pursuant to section 15 of article XVIII of the state constitution in effect
10 at the time the earnings are payable;

11 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS
12 (2)(a)(I)(A), (2)(a)(I)(B), AND (2)(a)(I)(C) OF THIS SECTION, A JUDGMENT
13 DEBTOR MAY FILE A WRITTEN OBJECTION PURSUANT TO SECTION
14 13-54.5-108 (1)(a), WITHOUT THE NECESSITY OF CONFERRING WITH THE
15 GARNISHEE, AND SEEK A HEARING PURSUANT TO SECTION 13-54.5-109
16 (1)(a). AT THE HEARING THE JUDGMENT DEBTOR MAY ESTABLISH THAT A
17 GREATER PORTION OF THE JUDGMENT DEBTOR'S DISPOSABLE EARNINGS
18 SHOULD BE EXEMPT FROM GARNISHMENT FOR THE SUPPORT OF THE
19 JUDGMENT DEBTOR OR THE JUDGMENT DEBTOR'S FAMILY SUPPORTED, IN
20 WHOLE OR IN PART, BY THE JUDGMENT DEBTOR. AT SUCH HEARING, THE
21 COURT SHALL, PURSUANT TO SECTION 13-54.5-109 (2), DETERMINE
22 WHETHER THE EARNINGS OF THE JUDGMENT DEBTOR FOLLOWING
23 GARNISHMENT, TOGETHER WITH ANY OTHER INCOME RECEIVED BY THE
24 JUDGMENT DEBTOR'S FAMILY, ARE INSUFFICIENT TO PAY THE ACTUAL AND
25 NECESSARY LIVING EXPENSES OF THE JUDGMENT DEBTOR OR THE
26 JUDGMENT DEBTOR AND JUDGMENT DEBTOR'S FAMILY BASED UPON PROOF
27 OF SUCH EXPENSES INCURRED DURING THE SIXTY DAYS PRIOR TO THE

1 HEARING. IN MAKING THIS DETERMINATION, THE LIVING EXPENSES THE
2 COURT MUST CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, THE
3 FOLLOWING: RENT OR MORTGAGE; UTILITIES; FOOD AND HOUSEHOLD
4 SUPPLIES; MEDICAL AND DENTAL EXPENSES; CHILD CARE; CLOTHING;
5 EDUCATION; TRANSPORTATION; AND MAINTENANCE, ALIMONY, OR CHILD
6 SUPPORT. IF THE COURT MAKES A DETERMINATION OF INSUFFICIENCY, IT
7 SHALL ORDER THAT MORE OF THE JUDGMENT DEBTOR'S DISPOSABLE
8 EARNINGS SHOULD BE EXEMPT FROM GARNISHMENT THAN PRESCRIBED BY
9 SUBSECTIONS (2)(a)(I)(A), (2)(a)(I)(B), AND (2)(a)(I)(C) OF THIS SECTION.

10 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
11 **with amendments,** 13-54.5-105 as follows:

12 **13-54.5-105. Notice to judgment debtor in continuing**
13 **garnishment.** (1) IN THE CASE OF A CONTINUING GARNISHMENT, THE
14 WRIT OF GARNISHMENT MUST BE SERVED ON THE GARNISHEE IN
15 ACCORDANCE WITH RULE 4 OF THE COLORADO RULES OF CIVIL
16 PROCEDURE.

17 (2) THE WRIT OF GARNISHMENT PURSUANT TO SUBSECTION (1) OF
18 THIS SECTION MUST INCLUDE:

19 (a) THE NAME OF THE JUDGMENT DEBTOR;

20 (b) THE LAST-KNOWN PHYSICAL AND MAILING ADDRESSES OF THE
21 JUDGMENT DEBTOR OR A STATEMENT THAT THE INFORMATION IS NOT
22 KNOWN;

23 (c) THE AMOUNT OF THE JUDGMENT UPON WHICH THE JUDGEMENT
24 CREDITOR BASES THE CONTINUING GARNISHMENT;

25 (d) INFORMATION SUFFICIENT TO IDENTIFY THE JUDGMENT ON
26 WHICH THE CONTINUING GARNISHMENT IS BASED;

27 (e) A COMPLETED NOTICE THAT SATISFIES SUBSECTION (3) OF THIS

1 SECTION AND THAT MAY BE INCORPORATED INTO AND MADE A PART OF
2 THE WRIT OF GARNISHMENT; AND

3 (f) A NOTICE OF COLORADO RULES ABOUT GARNISHMENT THAT
4 SATISFIES SUBSECTION (4) OF THIS SECTION AND THAT IS INCORPORATED
5 INTO AND MADE A PART OF THE NOTICE REQUIRED BY SUBSECTION (2)(e)
6 OF THIS SECTION.

7 (3) THE NOTICE REQUIRED BY SUBSECTION (2)(e) OF THIS SECTION
8 MUST BE IN SUBSTANTIALLY THE FOLLOWING FORM AND CONSPICUOUSLY
9 LABELED:

10 **NOTICE OF GARNISHMENT**

11 MONEY WILL BE TAKEN FROM YOUR PAY IF YOU FAIL TO ACT

12 **1. WHY AM I GETTING THIS NOTICE?**

13 YOU ARE GETTING THIS NOTICE BECAUSE A COURT
14 HAS RULED THAT YOU OWE THE JUDGMENT CREDITOR, WHO
15 IS CALLED "CREDITOR" IN THIS NOTICE, MONEY. CREDITOR
16 HAS STARTED A LEGAL PROCESS CALLED A "GARNISHMENT".

17 THE PROCESS REQUIRES THAT MONEY BE TAKEN FROM YOUR
18 PAY AND GIVEN TO CREDITOR TO PAY WHAT YOU OWE. THE
19 PERSON WHO PAYS YOU DOES NOT KEEP THE MONEY.

20 CREDITOR FILLED OUT THIS FORM. THE LAW
21 REQUIRES THE PERSON WHO PAYS YOU TO GIVE YOU THIS
22 NOTICE. CREDITOR MAY NOT BE THE PERSON OR COMPANY
23 TO WHICH YOU ORIGINALLY OWED MONEY. YOU MAY
24 REQUEST THAT CREDITOR PROVIDE THE NAME AND ADDRESS
25 OF THE PERSON OR COMPANY TO WHICH YOU ORIGINALLY
26 OWED MONEY. IF YOU WANT THIS INFORMATION, YOU MUST
27 WRITE CREDITOR OR CREDITOR'S LAWYER AT THE ADDRESS

1 AT THE VERY BEGINNING OF THIS FORM. YOU MUST DO THIS
2 WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE. CREDITOR
3 WILL SEND YOU THIS INFORMATION AT THE ADDRESS YOU
4 GIVE CREDITOR. CREDITOR MUST SEND YOU THIS
5 INFORMATION WITHIN 7 DAYS AFTER RECEIVING YOUR
6 REQUEST. KNOWING THE NAME OF THE ORIGINAL CREDITOR
7 MIGHT HELP YOU UNDERSTAND WHY THE MONEY WILL BE
8 TAKEN FROM YOUR PAY.

9 **2. HOW MUCH DO I OWE?**

10 THE AMOUNT THE COURT HAS RULED THAT YOU
11 CURRENTLY OWE IS LISTED AT THE TOP OF THE WRIT OF
12 GARNISHMENT. THE AMOUNT COULD GO UP IF THERE ARE
13 MORE COURT COSTS OR ADDITIONAL INTEREST. THE
14 INTEREST RATE ON THE AMOUNT YOU OWE IS LISTED AT THE
15 TOP OF THE WRIT OF GARNISHMENT. THE AMOUNT COULD
16 ALSO GO DOWN IF YOU MAKE PAYMENTS TO CREDITOR.

17 **3. HOW WILL THE AMOUNT I OWE BE PAID?**

18 THE PERSON WHO PAYS YOU WILL START TAKING
19 MONEY FROM YOUR PAYCHECK ON THE FIRST PAYDAY THAT
20 IS AT LEAST 14 DAYS AFTER THE DAY THE PERSON WHO
21 PAYS YOU SENDS YOU THIS NOTICE. MONEY WILL CONTINUE
22 TO BE TAKEN FROM YOUR PAY FOR UP TO 6 MONTHS. IF THE
23 DEBT IS NOT PAID OFF OR NOT LIKELY TO BE PAID OFF BY
24 THAT TIME, CREDITOR MAY SERVE ANOTHER GARNISHMENT.

25 THE RULES ABOUT HOW MUCH OF YOUR PAY CAN BE
26 TAKEN ARE EXPLAINED IN THE NOTICE OF COLORADO RULES
27 ABOUT GARNISHMENT THAT YOU RECEIVED WITH THIS

1 NOTICE. THIS NOTICE ALSO CONTAINS AN ESTIMATE OF HOW
2 MUCH OF YOUR PAY WILL LIKELY BE WITHHELD EACH
3 PAYCHECK.

4 AT ANY TIME, YOU CAN GET A REPORT THAT SHOWS
5 HOW THE AMOUNT TAKEN FROM YOUR PAY WAS
6 CALCULATED. TO RECEIVE THIS REPORT, YOU MUST WRITE
7 OR E-MAIL THE PERSON WHO PAYS YOU.

8 **4. DO I HAVE OPTIONS?**

9 YES, YOU HAVE SEVERAL OPTIONS, HERE ARE THREE
10 OF THEM:

11 A. YOU CAN TALK WITH A LAWYER: A LAWYER CAN
12 EXPLAIN THE SITUATIONS TO YOU AND HELP YOU DECIDE
13 WHAT TO DO. THE SELF-HELP DESK OF THE COURT WHERE
14 THE GARNISHMENT ACTION IS PENDING CAN PROVIDE YOU
15 HELP WITH RESOURCES TO FIND A LAWYER.

16 B. YOU CAN CONTACT CREDITOR: IF YOU CAN WORK
17 SOMETHING OUT WITH CREDITOR, MONEY MIGHT NOT HAVE
18 TO BE TAKEN FROM YOUR PAY. THE CREDITOR'S CONTACT
19 INFORMATION IS ON THE FIRST PAGE OF THE WRIT OF
20 GARNISHMENT.

21 C. YOU CAN REQUEST A COURT HEARING: A HEARING
22 COULD BE HELPFUL IF THERE ARE DISAGREEMENTS ABOUT
23 THE GARNISHMENT, THE AMOUNT THE COURT HAS RULED
24 THAT YOU OWE, WHETHER THE AMOUNT OF MONEY BEING
25 WITHHELD FROM YOUR PAYCHECK IS CORRECT, OR
26 WHETHER THE AMOUNT BEING WITHHELD SHOULD BE
27 REDUCED TO HELP YOU SUPPORT YOUR FAMILY AND

1 YOURSELF. IF YOU DISAGREE WITH THE ESTIMATE OF THE
2 AMOUNT OF MONEY THAT WILL BE WITHHELD FROM YOUR
3 PAYCHECK, YOU MUST ATTEMPT TO WORK THIS OUT WITH
4 THE PERSON WHO PAYS YOU BEFORE GOING TO COURT. YOU
5 MUST DO THIS WITHIN 7 DAYS AFTER RECEIVING THIS
6 NOTICE. IF YOU CANNOT WORK IT OUT WITH THE PERSON
7 WHO PAYS YOU, YOU MAY SEEK A HEARING IN COURT. IF
8 YOU WANT A COURT HEARING, YOU MUST REQUEST ONE. IF
9 YOU THINK THAT YOU NEED MORE MONEY TO SUPPORT
10 YOUR FAMILY AND YOURSELF, YOU MAY SEEK A COURT
11 HEARING WITHOUT CONSULTING THE PERSON WHO PAYS
12 YOU. FOR HELP REQUESTING A HEARING, CONTACT THE
13 SELF-HELP DESK OF THE COURT WHERE THE GARNISHMENT
14 ACTION IS PENDING.

15 **5. WHAT IF I DON'T DO ANYTHING?**

16 IF YOU DON'T DO ANYTHING, THE LAW REQUIRES
17 THAT MONEY BE TAKEN OUT OF YOUR PAYCHECK
18 BEGINNING WITH THE FIRST PAYDAY THAT IS AT LEAST 14
19 DAYS AFTER THE DAY THE PERSON WHO PAYS YOU SENDS
20 YOU THIS NOTICE. THE MONEY WILL BE GIVEN TO CREDITOR.
21 THIS PROCESS WILL CONTINUE FOR 6 MONTHS UNLESS YOUR
22 DEBT IS PAID OFF BEFORE THAT.

23 **6. HOW DOES GARNISHMENT WORK IN COLORADO?**

24 ONLY A PORTION OF YOUR PAY CAN BE GARNISHED.
25 THE AMOUNT THAT CAN BE WITHHELD FROM YOUR PAY
26 DEPENDS ON SOMETHING CALLED "DISPOSABLE EARNINGS".
27 YOUR DISPOSABLE EARNINGS ARE WHAT IS LEFT AFTER

1 DEDUCTIONS FROM YOUR GROSS PAY FOR TAXES AND
2 CERTAIN HEALTH INSURANCE COSTS. YOUR PAYCHECK STUB
3 SHOULD TELL WHAT YOUR DISPOSABLE EARNINGS ARE.

4 THE AMOUNT OF YOUR DISPOSABLE EARNINGS THAT
5 CAN BE GARNISHED IS DETERMINED BY COMPARING TWO
6 NUMBERS: (1) 20% OF YOUR DISPOSABLE EARNINGS AND (2)
7 THE AMOUNT BY WHICH YOUR DISPOSABLE EARNINGS
8 EXCEED 40 TIMES THE MINIMUM WAGE. THE SMALLER OF
9 THESE TWO AMOUNTS WILL BE DEDUCTED FROM YOUR PAY.

10 IF YOU THINK THAT YOUR EARNINGS AFTER
11 GARNISHMENT ARE NOT ENOUGH TO SUPPORT YOURSELF
12 AND ANY MEMBERS OF YOUR FAMILY THAT YOU SUPPORT,
13 YOU CAN TRY TO HAVE THE AMOUNT OF YOUR DISPOSABLE
14 EARNINGS THAT ARE GARNISHED FURTHER REDUCED. THIS
15 IS DISCUSSED EARLIER IN THIS NOTICE UNDER 4. **DO I HAVE**
16 **OPTIONS?**

17 YOUR EMPLOYER CANNOT FIRE YOU BECAUSE YOUR
18 EARNINGS HAVE BEEN GARNISHED. IF YOUR EMPLOYER
19 DOES THIS IN VIOLATION OF YOUR LEGAL RIGHTS, YOU MAY
20 FILE A LAWSUIT WITHIN 91 DAYS OF YOUR FIRING TO
21 RECOVER WAGES YOU LOST BECAUSE YOU WERE FIRED. YOU
22 CAN ALSO SEEK TO BE REINSTATED TO YOUR JOB. IF YOU
23 ARE SUCCESSFUL WITH THIS LAWSUIT, YOU CANNOT
24 RECOVER MORE THAN 6 WEEKS WAGES AND ATTORNEY
25 FEES.

26 BASED ON YOUR MOST RECENT PAYCHECK, THE
27 PERSON WHO PAYS YOU ESTIMATES THAT \$ _____ WILL BE

1 WITHHELD FROM EACH PAYCHECK THAT IS SUBJECT TO
2 GARNISHMENT.

3 (4) THE NOTICE REQUIRED BY SUBSECTION (2)(f) OF THIS SECTION
4 MUST:

5 (a) HAVE A HEADING STATING THAT IT EXPLAINS WAGE
6 GARNISHMENT IN COLORADO; AND

7 (b) REASONABLY INFORM THE JUDGMENT DEBTOR OF:

8 (I) THE LIMITS ON WAGE GARNISHMENT PURSUANT TO SECTION
9 13-54-104;

10 (II) EXEMPTIONS FROM AND LIMITS ON GARNISHMENT AND
11 PROTECTIONS PURSUANT TO THE LAWS OF COLORADO; AND

12 (III) AN ESTIMATE, BASED ON THE JUDGMENT DEBTOR'S MOST
13 RECENT PAYCHECK AND PREPARED BY THE GARNISHEE, OF THE AMOUNT
14 THAT WOULD LIKELY BE WITHHELD FROM THE JUDGMENT DEBTOR'S
15 PAYCHECKS IN THE FUTURE.

16 (5) NOT LATER THAN SEVEN DAYS AFTER BEING SERVED WITH A
17 WRIT OF GARNISHMENT:

18 (a) IF ONE OF THE FOLLOWING GROUNDS APPLIES, THE GARNISHEE
19 SHALL SEND NOTICE TO THE JUDGMENT CREDITOR STATING THE
20 APPLICABLE GROUND:

21 (I) THE JUDGMENT DEBTOR IS NOT AN EMPLOYEE OF THE
22 GARNISHEE; OR

23
24 (II) THE WRIT OF GARNISHMENT DOES NOT CONTAIN ALL
25 INFORMATION REQUIRED BY SUBSECTION (2) OF THIS SECTION.

26 (b) IF SUBSECTION (5)(a) OF THIS SECTION DOES NOT APPLY, THE
27 GARNISHEE SHALL:

1 (I) SEND TO THE JUDGMENT CREDITOR A NOTICE THAT INCLUDES:

2 (A) A STATEMENT THAT THE NAMED JUDGMENT DEBTOR IS AN
3 EMPLOYEE OF THE GARNISHEE;

4 (B) THE PAY FREQUENCY OF THE JUDGMENT DEBTOR AND THE
5 DATE OF THE FIRST PAYDAY THAT IS AT LEAST TWENTY-ONE DAYS AFTER
6 THE GARNISHEE WAS SERVED WITH THE WRIT OF GARNISHMENT IN
7 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION OR THE FIRST
8 PAYDAY AFTER THE EXPIRATION OF ANY PRIOR EFFECTIVE WRIT OF
9 GARNISHMENT THAT IS AT LEAST TWENTY-ONE DAYS AFTER SERVICE OF
10 THE WRIT ON THE GARNISHEE;

11 (C) IF THE JUDGMENT DEBTOR'S EARNINGS ARE SUBJECT TO
12 DEDUCTIONS OTHER THAN WITHHOLDING FOR LOCAL, STATE, AND FEDERAL
13 INCOME TAXES AND PURSUANT TO THE "FEDERAL INSURANCE
14 CONTRIBUTIONS ACT", 26 U.S.C. SEC. 3101 ET SEQ., AS AMENDED, THE
15 NATURE, NUMBER, AND AMOUNTS OF THESE DEDUCTIONS AND THE
16 RELATIVE PRIORITY OF THE WRIT OF GARNISHMENT; AND

17 (II) SEND TO THE JUDGMENT DEBTOR ON THE SAME DAY THE
18 NOTICE REQUIRED BY SUBSECTION (5)(b)(I) OF THIS SECTION IS SENT TO
19 THE JUDGMENT CREDITOR A COPY OF THE WRIT OF GARNISHMENT AND THE
20 NOTICES REQUIRED PURSUANT TO SUBSECTIONS (2)(e) AND (2)(f) OF THIS
21 SECTION.

22 (6) IF SUBSECTION (5)(b)(I) OF THIS SECTION APPLIES, THE
23 GARNISHEE SHALL BEGIN GARNISHMENT ON THE FIRST PAYDAY THAT
24 OCCURS AT LEAST TWENTY-ONE DAYS AFTER THE GARNISHEE WAS SERVED
25 WITH THE WRIT OF GARNISHMENT IN ACCORDANCE WITH SUBSECTION (1)
26 OF THIS SECTION OR THE FIRST PAYDAY AFTER THE EXPIRATION OF ANY
27 PRIOR EFFECTIVE WRIT OF GARNISHMENT THAT IS AT LEAST TWENTY-ONE

1 DAYS AFTER SERVICE OF THE WRIT ON THE GARNISHEE.

2 **SECTION 5.** In Colorado Revised Statutes, 13-54.5-107, **amend**
3 (1) as follows:

4 **13-54.5-107. Service of notice upon judgment debtor.** (1) In a
5 case of continuing garnishment, the garnishee shall deliver a copy of the
6 writ of garnishment AND NOTICES required by section 13-54.5-105 to the
7 judgment debtor ~~at the time the judgment debtor receives earnings for the~~
8 ~~first pay period affected by such writ of continuing garnishment~~ IN
9 ACCORDANCE WITH THE PROVISIONS OF SECTION 13-54.5-105 (5)(b)(II).

10 **SECTION 6.** In Colorado Revised Statutes, 13-54.5-108, **amend**
11 (1)(a) as follows:

12 **13-54.5-108. Judgment debtor to file written objection or**
13 **claim of exemption.** (1) (a) In a case of continuing garnishment where
14 the judgment debtor objects to the calculation of the amount of exempt
15 earnings, the judgment debtor shall have seven days from receipt of the
16 copy of the writ of continuing garnishment required by section
17 13-54.5-105 within which to resolve the issue of such miscalculation, by
18 agreement with the garnishee, during which time the garnishee shall not
19 tender any ~~moneys~~ MONEY to the clerk of the court OR JUDGMENT
20 CREDITOR. If such objection is not resolved within seven days and after
21 good faith effort, the judgment debtor may file a written objection with
22 the clerk of the court in which the judgment was entered setting forth with
23 reasonable detail the grounds for such objection. THE JUDGMENT DEBTOR
24 MAY ALSO FILE A WRITTEN OBJECTION WITH THE CLERK OF THE COURT IN
25 WHICH THE JUDGMENT WAS OBTAINED PURSUANT TO SECTION 13-54-104
26 (2)(a)(I)(D). The judgment debtor shall, by certified mail, return receipt
27 requested, deliver immediately a copy of such objection to the judgment

1 creditor or his or her attorney of record.

2 **SECTION 7. Act subject to petition - effective date -**

3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 2, 2019, if adjournment sine die is on May 3,
6 2019); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2020 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.

12 (2) This act only applies to all writs of garnishment issued on or
13 after October 1, 2020, regardless of the dates of entry of the judgments
14 upon which the writs of garnishment are based; except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will apply to all writs of garnishment
20 issued on or after the date of the official declaration of the vote thereon
21 by the governor, regardless of the dates of entry of the judgments upon
22 which the writs of garnishment are based.