

CHAPTER 16

COURTS

HOUSE BILL 01-1241

BY REPRESENTATIVE(S) Stengel, Cloer, and Jahn;
also SENATOR(S) Reeves.

AN ACT

CONCERNING THE ELIMINATION OF THE NINETY-DAY PERIOD FOR WHICH GARNISHMENTS ARE PERMITTED TO BE A CONTINUING LEVY.

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

SECTION 1. 13-54.5-102 (2), Colorado Revised Statutes, is amended to read:

13-54.5-102. Continuing garnishment - creation of lien. (2) Garnishment pursuant to subsection (1) of this section shall be a lien and continuing levy against said earnings due for ~~ninety~~ ONE HUNDRED EIGHTY days following service of the writ or for ~~ninety~~ ONE HUNDRED EIGHTY days following the expiration of any writs with a priority under section 13-54.5-104, but such lien shall be terminated earlier than ~~ninety~~ ONE HUNDRED EIGHTY days if earnings are no longer due, the underlying judgment is vacated, modified, or satisfied in full, or the writ is dismissed; except that a continuing garnishment may be suspended for a specified period of time by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which the judgment was entered and a copy of which shall be delivered by the judgment creditor to the garnishee.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to all judgments entered on or after the applicable effective date of this act.

Approved: March 9, 2001