

SENATE BILL NO. 2162

Introduced by

Senators Wardner, Trenbeath

Representatives Herbel, Kretschmar

1 A BILL for an Act to amend and reenact section 32-09.1-04 of the North Dakota Century Code,
2 relating to notice of renewal of garnishment of earnings.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-09.1-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-09.1-04. Notice before garnishment of earnings - Notice of renewal of**
7 **garnishment of earnings.**

8 1. At least ten days before the issuance of any garnishee summons against the
9 earnings of any person, the creditor shall serve upon the debtor a notice that a
10 garnishee summons may be issued. The notice must be served personally or by
11 first-class mail. Failure to serve the notice renders any subsequent garnishment
12 void. The notice must be in substantially the following form:

13 To: _____ Date: _____

14 Judgment Debtor

15 Please take notice that a garnishee summons that will require
16 part of your wages to be withheld may be served upon your employer,
17 without any further court proceedings or notice to you, at any time after
18 ten days following the date of this notice. For each dependent family
19 member residing with you, the amount subject to garnishment for any
20 workweek may be reduced by twenty dollars, if within ten days after
21 receipt of the garnishee summons you provide to your employer a
22 verified list of the dependent family members residing with you and their
23 social security numbers, if any. You may wish to contact the

1 undersigned judgment creditor or attorney to arrange for the settlement
2 of the debt, which is \$_____.

3 _____
4 Judgment Creditor
5 Address

6 2. As an alternative to subsection 1, if a creditor renews an expiring continuing lien on
7 wages under section 32-09.1-21, at least ten days but no more than twenty days
8 before the expiration of the continuing lien on wages, the creditor may serve upon
9 the debtor a notice that a garnishee summons may be reissued. The notice must
10 be served personally or by first-class mail. Failure to serve the notice renders any
11 subsequent garnishment void. The notice must be in substantially the following
12 form:

13 To: _____ Date: _____

14 Judgment Debtor

15 Please take notice that a garnishee summons that will require
16 part of your wages to be withheld may be served upon your employer
17 without any further court proceedings or notice to you. This action is a
18 renewal of the current garnishment order for this case. For each
19 dependent family member residing with you, the amount subject to
20 garnishment for any workweek may be reduced by twenty dollars, if
21 within ten days after receipt of the garnishee summons you provide to
22 your employer a verified list of the dependent family members residing
23 with you and their social security numbers, if any. You may wish to
24 contact the undersigned judgment creditor or attorney to arrange for the
25 settlement of the debt, which is \$_____ .

26 _____
27 Judgment Creditor
28 Address