

Amendment No. 1 to HB1775

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 1969

House Bill No. 1775*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 26-2-214, is amended by deleting the section and by substituting instead the following:

(a) Upon the garnishment of earnings due from a garnishee, the garnishee shall:

(1) Pay the judgment debtor the amount of such debtor's exempt earnings;

(2) Submit as a part of the judgment debtor's answer to the garnishment a statement of the judgment debtor's dependent children under sixteen (16) years of age who are residents of this state; and

(3) Furnish the judgment debtor with a copy of the garnishment summons containing the notice of the judgment debtor's right to the exemptions from wage garnishment specified in federal law and in §§ 26-2-106 and 26-2-107 of the right to apply to the court for an order staying further garnishment and allowing the judgment debtor to pay the judgment in installments, and of procedures the judgment debtor can follow to contest the garnishment.

(b)

(1) To the extent of the amount due upon the judgment and costs, the garnishee shall hold, subject to the order of the court, any non-exempt earnings due or that subsequently become due. The judgment or balance due is a lien on earnings due at the time of the service of the execution. The lien shall continue as to subsequent earnings until the total amount due upon the judgment and

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costs is paid or satisfied, or until the expiration of the payment period immediately prior to six (6) calendar months after service of the execution, whichever occurs first. The lien on subsequent earnings shall terminate sooner if the relationship between judgment debtor and garnishee is terminated or if the underlying judgment is vacated or modified.

(2) A lien obtained under this section shall have priority over any subsequent liens obtained under this section.

(c) Nothing in this section with respect to the relationship between the judgment debtor and the garnishee shall be construed to affect the underlying relationship of the parties, including, but not limited to, the relationship of employer-employee or the independent contractor relationship as otherwise provided by law.

SECTION 2. This act shall take effect on September 1, 2016, the public welfare requiring it.