

ASSEMBLY BILL NO. 129—COMMITTEE ON JUDICIARY

FEBRUARY 6, 2015

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to judgments. (BDR 2-541)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to judgments; increasing the percentage of a judgment debtor’s disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; extending the period for which a writ of garnishment served on an employer of a judgment debtor continues; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that 75 percent of a judgment debtor’s disposable
2 earnings for any workweek is exempt from execution. (NRS 21.025, 21.075,
3 21.090, 31.045, 31.295) **Sections 2-4 and 8, 11 and 12** of this bill: (1) increase the
4 exemption to 82 percent of a judgment debtor’s disposable earnings for any
5 workweek if the gross weekly salary or wage of the debtor on the date the most
6 recent writ of garnishment was issued was \$770 or less; and (2) maintain the
7 exemption at 75 percent of a judgment debtor’s disposable earnings for any
8 workweek if the gross weekly salary or wage of the debtor on the date the most
9 recent writ of garnishment was issued exceeded \$770. **Sections 1, 7 and 11** of this
10 bill explain how the gross weekly salary or wage of a debtor must be determined.

11 Existing law requires a judgment creditor who seeks to enforce a foreign
12 judgment in this State to domesticate the foreign judgment by filing a copy of the
13 foreign judgment with the clerk of any district court of this State. (NRS 17.330-
14 17.400) **Section 6** of this bill authorizes a judgment debtor who is a resident of this
15 State to bring a civil action against a judgment creditor who, without domesticating
16 a foreign judgment, garnishes a bank account or any other personal property
17 maintained by the judgment debtor at a branch of a financial institution located in
18 this State or the earnings of the judgment debtor from employment in this State.



19 Additionally, existing law generally provides that if the employer of a judgment
20 debtor whose earnings are being garnished is a garnishee, the writ of garnishment
21 served on the employer continues for the earlier of 120 days or until the amount
22 demanded in the writ is satisfied. (NRS 31.296) **Section 13** of this bill extends such
23 a period to the earlier of 180 days or until the amount demanded in the writ of
24 garnishment is satisfied. Existing law further provides that a judgment creditor who
25 caused a writ of garnishment to issue is required to prepare an accounting and
26 provide a report containing certain information to the judgment debtor, the sheriff
27 and each garnishee with each writ of garnishment. (NRS 31.296) **Section 13**
28 specifies that any subsequent application for a writ of garnishment made by the
29 judgment creditor concerning the same debt must not be approved unless such an
30 accounting and report are submitted with the application.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 21 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. For the purposes of this chapter:*

4 *(a) Except as otherwise provided in paragraphs (b) and (c), the*
5 *gross weekly salary or wage of an employee must be determined by*
6 *dividing the employee's gross earnings for the current calendar*
7 *year as of the date the most recent writ of garnishment was issued*
8 *by the total number of weeks the employee has worked in the*
9 *current calendar year.*

10 *(b) If the most recent writ of garnishment was issued at the*
11 *beginning of the current calendar year before an employee*
12 *received any earnings in the current calendar year, but the*
13 *employee received earnings in the previous calendar year, the*
14 *gross weekly salary or wage of the employee must be determined*
15 *by dividing the employee's gross earnings for the previous*
16 *calendar year by the total number of weeks the employee worked*
17 *in the previous calendar year.*

18 *(c) If an employee has not been employed long enough to have*
19 *been paid as of the date the most recent writ of garnishment was*
20 *issued, or if the provisions of paragraph (a) or (b) do not otherwise*
21 *apply, the gross weekly salary or wage of the employee is the*
22 *anticipated gross weekly earnings of the employee as determined*
23 *by his or her employer.*

24 *2. For the purpose of determining the total number of weeks*
25 *an employee has worked in the current calendar year pursuant to*
26 *paragraph (a) of subsection 1 or the total number of weeks an*
27 *employee worked in the previous calendar year pursuant to*
28 *paragraph (b) of subsection 1, if the total number of weeks is not*
29 *exact, the number must be:*



1 (a) *Rounded down if the number of days the employee was on*
2 *the payroll of the employer in excess of a whole week is 3 days or*
3 *less; and*

4 (b) *Rounded up if the number of days the employee was on the*
5 *payroll of the employer in excess of a whole week is 4 days or*
6 *more.*

7 **Sec. 2.** NRS 21.025 is hereby amended to read as follows:

8 21.025 A writ of execution issued on a judgment for the
9 recovery of money must be substantially in the following form:

10
11 (Title of the Court)

12 (Number and abbreviated title of the case)

13 EXECUTION

14
15 THE PEOPLE OF THE STATE OF NEVADA:

16
17 To the sheriff of County.

18
19 Greetings:

20
21 To FINANCIAL INSTITUTIONS: This judgment is for
22 the recovery of money for the support of a person.

23
24 On(month).....(day).....(year), a judgment was entered
25 by the above-entitled court in the above-entitled action in
26 favor of as judgment creditor and against
27 as judgment debtor for:

- 28
- 29 \$ principal,
- 30 \$ attorney's fees,
- 31 \$ interest, and
- 32 \$ costs, making a total amount of
- 33 \$ the judgment as entered, and
- 34

35 WHEREAS, according to an affidavit or a memorandum
36 of costs after judgment, or both, filed herein, it appears that
37 further sums have accrued since the entry of judgment, to wit:

- 38
- 39 \$ accrued interest, and
- 40 \$ accrued costs, together with \$..... fee, for
- 41 the issuance of this writ, making a total of
- 42 \$ as accrued costs, accrued interest and fees.

43 Credit must be given for payments and partial satisfactions in
44 the amount of

45 \$



1 which is to be first credited against the total accrued costs and
2 accrued interest, with any excess credited against the
3 judgment as entered, leaving a net balance of

4 \$

5 actually due on the date of the issuance of this writ, of which

6 \$

7 bears interest at percent per annum, in the amount of
8 \$..... per day, from the date of judgment to the date of levy,
9 to which must be added the commissions and costs of the
10 officer executing this writ.

11
12 NOW, THEREFORE, SHERIFF OF
13 COUNTY, you are hereby commanded to satisfy this
14 judgment with interest and costs as provided by law, out of
15 the personal property of the judgment debtor, except that for
16 any workweek, *82 percent of the disposable earnings of the*
17 *debtor during that week if the gross weekly salary or wage*
18 *of the debtor on the date the most recent writ of*
19 *garnishment was issued was \$770 or less, 75 percent of the*
20 *disposable earnings of the debtor during that week if the*
21 *gross weekly salary or wage of the debtor on the date the*
22 *most recent writ of garnishment was issued exceeded \$770,*
23 *or 50 times the minimum hourly wage prescribed by section*
24 *~~6(a)(1)~~ 206(a)(1) of the federal Fair Labor Standards Act of*
25 *1938, 29 U.S.C. ~~§ 206(a)(1),~~ §§ 201 et seq.,* and in effect at
26 the time the earnings are payable, whichever is greater, is
27 exempt from any levy of execution pursuant to this writ, and
28 if sufficient personal property cannot be found, then out of
29 the real property belonging to the debtor in the aforesaid
30 county, and make return to this writ within not less than 10
31 days or more than 60 days endorsed thereon with what you
32 have done.

33 Dated: This day of the month of of the year
34

35 Clerk.
36 By....., Deputy Clerk.

37 **Sec. 3.** NRS 21.075 is hereby amended to read as follows:

38 21.075 1. Execution on the writ of execution by levying on
39 the property of the judgment debtor may occur only if the sheriff
40 serves the judgment debtor with a notice of the writ of execution
41 pursuant to NRS 21.076 and a copy of the writ. The notice must
42 describe the types of property exempt from execution and explain
43 the procedure for claiming those exemptions in the manner required
44 in subsection 2. The clerk of the court shall attach the notice to the
45 writ of execution at the time the writ is issued.



1 2. The notice required pursuant to subsection 1 must be
2 substantially in the following form:

3
4 NOTICE OF EXECUTION

5
6 YOUR PROPERTY IS BEING ATTACHED OR
7 YOUR WAGES ARE BEING GARNISHED
8

9 A court has determined that you owe money to
10 (name of person), the judgment creditor. The
11 judgment creditor has begun the procedure to collect that
12 money by garnishing your wages, bank account and other
13 personal property held by third persons or by taking money or
14 other property in your possession.

15 Certain benefits and property owned by you may be
16 exempt from execution and may not be taken from you. The
17 following is a partial list of exemptions:

18 1. Payments received pursuant to the federal Social
19 Security Act, including, without limitation, retirement and
20 survivors' benefits, supplemental security income benefits
21 and disability insurance benefits.

22 2. Payments for benefits or the return of contributions
23 under the Public Employees' Retirement System.

24 3. Payments for public assistance granted through the
25 Division of Welfare and Supportive Services of the
26 Department of Health and Human Services or a local
27 governmental entity.

28 4. Proceeds from a policy of life insurance.

29 5. Payments of benefits under a program of industrial
30 insurance.

31 6. Payments received as disability, illness or
32 unemployment benefits.

33 7. Payments received as unemployment compensation.

34 8. Veteran's benefits.

35 9. A homestead in a dwelling or a mobile home, not to
36 exceed \$550,000, unless:

37 (a) The judgment is for a medical bill, in which case all of
38 the primary dwelling, including a mobile or manufactured
39 home, may be exempt.

40 (b) Allodial title has been established and not relinquished
41 for the dwelling or mobile home, in which case all of the
42 dwelling or mobile home and its appurtenances are exempt,
43 including the land on which they are located, unless a valid
44 waiver executed pursuant to NRS 115.010 is applicable to the
45 judgment.



1 10. All money reasonably deposited with a landlord by
2 you to secure an agreement to rent or lease a dwelling that is
3 used by you as your primary residence, except that such
4 money is not exempt with respect to a landlord or landlord's
5 successor in interest who seeks to enforce the terms of the
6 agreement to rent or lease the dwelling.

7 11. A vehicle, if your equity in the vehicle is less than
8 \$15,000.

9 12. ~~Seventy-five~~ *Eighty-two* percent of the take-home
10 pay for any workweek ~~if~~ *if your gross weekly salary or wage*
11 *was \$770 or less on the date the most recent writ of*
12 *garnishment was issued, or seventy-five percent of the take-*
13 *home pay for any workweek if your gross weekly salary or*
14 *wage exceeded \$770 on the date the most recent writ of*
15 *garnishment was issued, unless the weekly take-home pay is*
16 *less than 50 times the federal minimum hourly wage, in*
17 *which case the entire amount may be exempt.*

18 13. Money, not to exceed \$500,000 in present value,
19 held in:

20 (a) An individual retirement arrangement which conforms
21 with the applicable limitations and requirements of section
22 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408
23 and 408A;

24 (b) A written simplified employee pension plan which
25 conforms with the applicable limitations and requirements of
26 section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

27 (c) A cash or deferred arrangement that is a qualified plan
28 pursuant to the Internal Revenue Code;

29 (d) A trust forming part of a stock bonus, pension or
30 profit-sharing plan that is a qualified plan pursuant to sections
31 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
32 seq.; and

33 (e) A trust forming part of a qualified tuition program
34 pursuant to chapter 353B of NRS, any applicable regulations
35 adopted pursuant to chapter 353B of NRS and section 529 of
36 the Internal Revenue Code, 26 U.S.C. § 529, unless the
37 money is deposited after the entry of a judgment against the
38 purchaser or account owner or the money will not be used by
39 any beneficiary to attend a college or university.

40 14. All money and other benefits paid pursuant to the
41 order of a court of competent jurisdiction for the support,
42 education and maintenance of a child, whether collected by
43 the judgment debtor or the State.

44 15. All money and other benefits paid pursuant to the
45 order of a court of competent jurisdiction for the support and



1 maintenance of a former spouse, including the amount of any
2 arrearages in the payment of such support and maintenance to
3 which the former spouse may be entitled.

4 16. Regardless of whether a trust contains a spendthrift
5 provision:

6 (a) A present or future interest in the income or principal
7 of a trust that is a contingent interest, if the contingency has
8 not been satisfied or removed;

9 (b) A present or future interest in the income or principal
10 of a trust for which discretionary power is held by a trustee to
11 determine whether to make a distribution from the trust, if the
12 interest has not been distributed from the trust;

13 (c) The power to direct dispositions of property in the
14 trust, other than such a power held by a trustee to distribute
15 property to a beneficiary of the trust;

16 (d) Certain powers held by a trust protector or certain
17 other persons; and

18 (e) Any power held by the person who created the trust.

19 17. If a trust contains a spendthrift provision:

20 (a) A present or future interest in the income or principal
21 of a trust that is a mandatory interest in which the trustee does
22 not have discretion concerning whether to make the
23 distribution from the trust, if the interest has not been
24 distributed from the trust; and

25 (b) A present or future interest in the income or principal
26 of a trust that is a support interest in which the standard for
27 distribution may be interpreted by the trustee or a court, if the
28 interest has not been distributed from the trust.

29 18. A vehicle for use by you or your dependent which is
30 specially equipped or modified to provide mobility for a
31 person with a permanent disability.

32 19. A prosthesis or any equipment prescribed by a
33 physician or dentist for you or your dependent.

34 20. Payments, in an amount not to exceed \$16,150,
35 received as compensation for personal injury, not including
36 compensation for pain and suffering or actual pecuniary loss,
37 by the judgment debtor or by a person upon whom the
38 judgment debtor is dependent at the time the payment is
39 received.

40 21. Payments received as compensation for the wrongful
41 death of a person upon whom the judgment debtor was
42 dependent at the time of the wrongful death, to the extent
43 reasonably necessary for the support of the judgment debtor
44 and any dependent of the judgment debtor.



1 22. Payments received as compensation for the loss of
2 future earnings of the judgment debtor or of a person upon
3 whom the judgment debtor is dependent at the time the
4 payment is received, to the extent reasonably necessary for
5 the support of the judgment debtor and any dependent of the
6 judgment debtor.

7 23. Payments received as restitution for a criminal act.

8 24. Personal property, not to exceed \$1,000 in total
9 value, if the property is not otherwise exempt from execution.

10 25. A tax refund received from the earned income credit
11 provided by federal law or a similar state law.

12 26. Stock of a corporation described in subsection 2 of
13 NRS 78.746 except as set forth in that section.

14 ▶ These exemptions may not apply in certain cases such as a
15 proceeding to enforce a judgment for support of a person or a
16 judgment of foreclosure on a mechanic's lien. You should
17 consult an attorney immediately to assist you in determining
18 whether your property or money is exempt from execution. If
19 you cannot afford an attorney, you may be eligible for
20 assistance through (name of organization in
21 county providing legal services to indigent or elderly
22 persons). If you do not wish to consult an attorney or receive
23 legal services from an organization that provides assistance to
24 persons who qualify, you may obtain the form to be used to
25 claim an exemption from the clerk of the court.
26

27 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

28
29 If you believe that the money or property taken from you
30 is exempt, you must complete and file with the clerk of the
31 court an executed claim of exemption. A copy of the claim of
32 exemption must be served upon the sheriff, the garnishee and
33 the judgment creditor within 10 days after the notice of
34 execution or garnishment is served on you by mail pursuant
35 to NRS 21.076 which identifies the specific property that is
36 being levied on. The property must be released by the
37 garnishee or the sheriff within 9 judicial days after you serve
38 the claim of exemption upon the sheriff, garnishee and
39 judgment creditor, unless the sheriff or garnishee receives a
40 copy of an objection to the claim of exemption and a notice
41 for a hearing to determine the issue of exemption. If this
42 happens, a hearing will be held to determine whether the
43 property or money is exempt. The objection to the claim of
44 exemption and notice for the hearing to determine the issue of
45 exemption must be filed within 8 judicial days after the claim



1 of exemption is served on the judgment creditor by mail or in
2 person and served on the judgment debtor, the sheriff and any
3 garnishee not less than 5 judicial days before the date set for
4 the hearing. The hearing to determine whether the property or
5 money is exempt must be held within 7 judicial days after the
6 objection to the claim of exemption and notice for the hearing
7 is filed. You may be able to have your property released more
8 quickly if you mail to the judgment creditor or the attorney of
9 the judgment creditor written proof that the property is
10 exempt. Such proof may include, without limitation, a letter
11 from the government, an annual statement from a pension
12 fund, receipts for payment, copies of checks, records from
13 financial institutions or any other document which
14 demonstrates that the money in your account is exempt.
15

16 IF YOU DO NOT FILE THE EXECUTED CLAIM OF
17 EXEMPTION WITHIN THE TIME SPECIFIED, YOUR
18 PROPERTY MAY BE SOLD AND THE MONEY GIVEN
19 TO THE JUDGMENT CREDITOR, EVEN IF THE
20 PROPERTY OR MONEY IS EXEMPT.

21 **Sec. 4.** NRS 21.090 is hereby amended to read as follows:

22 21.090 1. The following property is exempt from execution,
23 except as otherwise specifically provided in this section or required
24 by federal law:

25 (a) Private libraries, works of art, musical instruments and
26 jewelry not to exceed \$5,000 in value, belonging to the judgment
27 debtor or a dependent of the judgment debtor, to be selected by the
28 judgment debtor, and all family pictures and keepsakes.

29 (b) Necessary household goods, furnishings, electronics,
30 wearing apparel, other personal effects and yard equipment, not to
31 exceed \$12,000 in value, belonging to the judgment debtor or a
32 dependent of the judgment debtor, to be selected by the judgment
33 debtor.

34 (c) Farm trucks, farm stock, farm tools, farm equipment,
35 supplies and seed not to exceed \$4,500 in value, belonging to the
36 judgment debtor to be selected by the judgment debtor.

37 (d) Professional libraries, equipment, supplies, and the tools,
38 inventory, instruments and materials used to carry on the trade or
39 business of the judgment debtor for the support of the judgment
40 debtor and his or her family not to exceed \$10,000 in value.

41 (e) The cabin or dwelling of a miner or prospector, the miner's
42 or prospector's cars, implements and appliances necessary for
43 carrying on any mining operations and the mining claim actually
44 worked by the miner or prospector, not exceeding \$4,500 in total
45 value.



1 (f) Except as otherwise provided in paragraph (p), one vehicle if
2 the judgment debtor's equity does not exceed \$15,000 or the
3 creditor is paid an amount equal to any excess above that equity.

4 (g) For any workweek, *82 percent of the disposable earnings of*
5 *a judgment debtor during that week if the gross weekly salary or*
6 *wage of the judgment debtor on the date the most recent writ of*
7 *garnishment was issued was \$770 or less*, 75 percent of the
8 disposable earnings of a judgment debtor during that week ~~if the~~
9 ~~gross weekly salary or wage of the judgment debtor on the date the~~
10 ~~most recent writ of garnishment was issued exceeded \$770~~, or 50
11 times the minimum hourly wage prescribed by section ~~6(a)(1)~~
12 ~~206(a)(1)~~ of the federal Fair Labor Standards Act of 1938, 29
13 U.S.C. ~~§ 206(a)(1)~~ §§ 201 et seq., and in effect at the time the
14 earnings are payable, whichever is greater. Except as otherwise
15 provided in paragraphs (o), (s) and (t), the exemption provided in
16 this paragraph does not apply in the case of any order of a court of
17 competent jurisdiction for the support of any person, any order of a
18 court of bankruptcy or of any debt due for any state or federal tax.
19 As used in this paragraph:

20 (1) "Disposable earnings" means that part of the earnings of
21 a judgment debtor remaining after the deduction from those earnings
22 of any amounts required by law to be withheld.

23 (2) "Earnings" means compensation paid or payable for
24 personal services performed by a judgment debtor in the regular
25 course of business, including, without limitation, compensation
26 designated as income, wages, tips, a salary, a commission or a
27 bonus. The term includes compensation received by a judgment
28 debtor that is in the possession of the judgment debtor,
29 compensation held in accounts maintained in a bank or any other
30 financial institution or, in the case of a receivable, compensation
31 that is due the judgment debtor.

32 (h) All fire engines, hooks and ladders, with the carts, trucks and
33 carriages, hose, buckets, implements and apparatus thereunto
34 appertaining, and all furniture and uniforms of any fire company or
35 department organized under the laws of this State.

36 (i) All arms, uniforms and accouterments required by law to be
37 kept by any person, and also one gun, to be selected by the debtor.

38 (j) All courthouses, jails, public offices and buildings, lots,
39 grounds and personal property, the fixtures, furniture, books, papers
40 and appurtenances belonging and pertaining to the courthouse, jail
41 and public offices belonging to any county of this State, all
42 cemeteries, public squares, parks and places, public buildings, town
43 halls, markets, buildings for the use of fire departments and military
44 organizations, and the lots and grounds thereto belonging and
45 appertaining, owned or held by any town or incorporated city, or



1 dedicated by the town or city to health, ornament or public use, or
2 for the use of any fire or military company organized under the laws
3 of this State and all lots, buildings and other school property owned
4 by a school district and devoted to public school purposes.

5 (k) All money, benefits, privileges or immunities accruing or in
6 any manner growing out of any life insurance.

7 (l) The homestead as provided for by law, including a
8 homestead for which allodial title has been established and not
9 relinquished and for which a waiver executed pursuant to NRS
10 115.010 is not applicable.

11 (m) The dwelling of the judgment debtor occupied as a home for
12 himself or herself and family, where the amount of equity held by
13 the judgment debtor in the home does not exceed \$550,000 in value
14 and the dwelling is situated upon lands not owned by the judgment
15 debtor.

16 (n) All money reasonably deposited with a landlord by the
17 judgment debtor to secure an agreement to rent or lease a dwelling
18 that is used by the judgment debtor as his or her primary residence,
19 except that such money is not exempt with respect to a landlord or
20 the landlord's successor in interest who seeks to enforce the terms of
21 the agreement to rent or lease the dwelling.

22 (o) All property in this State of the judgment debtor where the
23 judgment is in favor of any state for failure to pay that state's
24 income tax on benefits received from a pension or other retirement
25 plan.

26 (p) Any vehicle owned by the judgment debtor for use by the
27 judgment debtor or the judgment debtor's dependent that is
28 equipped or modified to provide mobility for a person with a
29 permanent disability.

30 (q) Any prosthesis or equipment prescribed by a physician or
31 dentist for the judgment debtor or a dependent of the debtor.

32 (r) Money, not to exceed \$500,000 in present value, held in:

33 (1) An individual retirement arrangement which conforms
34 with the applicable limitations and requirements of section 408 or
35 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

36 (2) A written simplified employee pension plan which
37 conforms with the applicable limitations and requirements of section
38 408 of the Internal Revenue Code, 26 U.S.C. § 408;

39 (3) A cash or deferred arrangement which is a qualified plan
40 pursuant to the Internal Revenue Code;

41 (4) A trust forming part of a stock bonus, pension or profit-
42 sharing plan which is a qualified plan pursuant to sections 401 et
43 seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

44 (5) A trust forming part of a qualified tuition program
45 pursuant to chapter 353B of NRS, any applicable regulations



1 adopted pursuant to chapter 353B of NRS and section 529 of the
2 Internal Revenue Code, 26 U.S.C. § 529, unless the money is
3 deposited after the entry of a judgment against the purchaser or
4 account owner or the money will not be used by any beneficiary to
5 attend a college or university.

6 (s) All money and other benefits paid pursuant to the order of a
7 court of competent jurisdiction for the support, education and
8 maintenance of a child, whether collected by the judgment debtor or
9 the State.

10 (t) All money and other benefits paid pursuant to the order of a
11 court of competent jurisdiction for the support and maintenance of a
12 former spouse, including the amount of any arrearages in the
13 payment of such support and maintenance to which the former
14 spouse may be entitled.

15 (u) Payments, in an amount not to exceed \$16,150, received as
16 compensation for personal injury, not including compensation for
17 pain and suffering or actual pecuniary loss, by the judgment debtor
18 or by a person upon whom the judgment debtor is dependent at the
19 time the payment is received.

20 (v) Payments received as compensation for the wrongful death
21 of a person upon whom the judgment debtor was dependent at the
22 time of the wrongful death, to the extent reasonably necessary for
23 the support of the judgment debtor and any dependent of the
24 judgment debtor.

25 (w) Payments received as compensation for the loss of future
26 earnings of the judgment debtor or of a person upon whom the
27 judgment debtor is dependent at the time the payment is received, to
28 the extent reasonably necessary for the support of the judgment
29 debtor and any dependent of the judgment debtor.

30 (x) Payments received as restitution for a criminal act.

31 (y) Payments received pursuant to the federal Social Security
32 Act, including, without limitation, retirement and survivors'
33 benefits, supplemental security income benefits and disability
34 insurance benefits.

35 (z) Any personal property not otherwise exempt from execution
36 pursuant to this subsection belonging to the judgment debtor,
37 including, without limitation, the judgment debtor's equity in any
38 property, money, stocks, bonds or other funds on deposit with a
39 financial institution, not to exceed \$1,000 in total value, to be
40 selected by the judgment debtor.

41 (aa) Any tax refund received by the judgment debtor that is
42 derived from the earned income credit described in section 32 of the
43 Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided
44 pursuant to a state law.



1 (bb) Stock of a corporation described in subsection 2 of NRS
2 78.746 except as set forth in that section.

3 (cc) Regardless of whether a trust contains a spendthrift
4 provision:

5 (1) A distribution interest in the trust as defined in NRS
6 163.4155 that is a contingent interest, if the contingency has not
7 been satisfied or removed;

8 (2) A distribution interest in the trust as defined in NRS
9 163.4155 that is a discretionary interest as described in NRS
10 163.4185, if the interest has not been distributed;

11 (3) A power of appointment in the trust as defined in NRS
12 163.4157 regardless of whether the power has been exercised;

13 (4) A power listed in NRS 163.5553 that is held by a trust
14 protector as defined in NRS 163.5547 or any other person regardless
15 of whether the power has been exercised; and

16 (5) A reserved power in the trust as defined in NRS 163.4165
17 regardless of whether the power has been exercised.

18 (dd) If a trust contains a spendthrift provision:

19 (1) A distribution interest in the trust as defined in NRS
20 163.4155 that is a mandatory interest as described in NRS 163.4185,
21 if the interest has not been distributed; and

22 (2) Notwithstanding a beneficiary's right to enforce a support
23 interest, a distribution interest in the trust as defined in NRS
24 163.4155 that is a support interest as described in NRS 163.4185, if
25 the interest has not been distributed.

26 (ee) Proceeds received from a private disability insurance plan.

27 (ff) Money in a trust fund for funeral or burial services pursuant
28 to NRS 689.700.

29 (gg) Compensation that was payable or paid pursuant to
30 chapters 616A to 616D, inclusive, or chapter 617 of NRS as
31 provided in NRS 616C.205.

32 (hh) Unemployment compensation benefits received pursuant to
33 NRS 612.710.

34 (ii) Benefits or refunds payable or paid from the Public
35 Employees' Retirement System pursuant to NRS 286.670.

36 (jj) Money paid or rights existing for vocational rehabilitation
37 pursuant to NRS 615.270.

38 (kk) Public assistance provided through the Department of
39 Health and Human Services pursuant to NRS 422.291 and
40 422A.325.

41 (ll) Child welfare assistance provided pursuant to NRS 432.036.

42 2. Except as otherwise provided in NRS 115.010, no article or
43 species of property mentioned in this section is exempt from
44 execution issued upon a judgment to recover for its price, or upon a
45 judgment of foreclosure of a mortgage or other lien thereon.



1 3. Any exemptions specified in subsection (d) of section 522 of
2 the Bankruptcy *Reform* Act of 1978, 11 U.S.C. [~~§ 522(d)~~] §§ 101
3 *et seq.*, do not apply to property owned by a resident of this State
4 unless conferred also by subsection 1, as limited by subsection 2.

5 **Sec. 5.** Chapter 31 of NRS is hereby amended by adding
6 thereto the provisions set forth as sections 6 and 7 of this act.

7 **Sec. 6. 1.** *Any judgment debtor who is a resident of this*
8 *State and who maintains an account or any other property at a*
9 *branch of a financial institution located in this State or whose*
10 *earnings are derived from employment in this State may bring a*
11 *civil action against a judgment creditor under a foreign judgment*
12 *if the judgment creditor, without satisfying the requirements of*
13 *NRS 17.330 to 17.400, inclusive, has obtained a writ of*
14 *garnishment to satisfy all or part of the foreign judgment from:*

15 (a) *The earnings of the judgment debtor derived from*
16 *employment in this State; or*

17 (b) *Money in the account or any other property maintained by*
18 *the judgment debtor at a branch of a financial institution located*
19 *in this State.*

20 2. *A judgment debtor who prevails in an action brought*
21 *under this section may recover from the judgment creditor*
22 *damages equal to two times any amount paid to the judgment*
23 *creditor under the writ of garnishment. If the judgment debtor*
24 *prevails in an action brought under this section, the court must*
25 *award reasonable attorney's fees and costs to the plaintiff.*

26 3. *As used in this section, "foreign judgment" has the*
27 *meaning ascribed to it in NRS 17.340.*

28 **Sec. 7. 1.** *For the purposes of NRS 31.240 to 31.460,*
29 *inclusive, and sections 6 and 7 of this act:*

30 (a) *Except as otherwise provided in paragraphs (b) and (c), the*
31 *gross weekly salary or wage of an employee must be determined by*
32 *dividing the employee's gross earnings for the current calendar*
33 *year as of the date the most recent writ of garnishment was issued*
34 *by the total number of weeks the employee has worked in the*
35 *current calendar year.*

36 (b) *If the most recent writ of garnishment was issued at the*
37 *beginning of the current calendar year before an employee*
38 *received any earnings in the current calendar year, but the*
39 *employee received earnings in the previous calendar year, the*
40 *gross weekly salary or wage of the employee must be determined*
41 *by dividing the employee's gross earnings for the previous*
42 *calendar year by the total number of weeks the employee worked*
43 *in the previous calendar year.*

44 (c) *If an employee has not been employed long enough to have*
45 *been paid as of the date the most recent writ of garnishment was*



1 *issued, or if the provisions of paragraph (a) or (b) do not otherwise*
2 *apply, the gross weekly salary or wage of the employee is the*
3 *anticipated gross weekly earnings of the employee as determined*
4 *by his or her employer.*

5 *2. For the purpose of determining the total number of weeks*
6 *an employee has worked in the current calendar year pursuant to*
7 *paragraph (a) of subsection 1 or the total number of weeks an*
8 *employee worked in the previous calendar year pursuant to*
9 *paragraph (b) of subsection 1, if the total number of weeks is not*
10 *exact, the number must be:*

11 *(a) Rounded down if the number of days the employee was on*
12 *the payroll of his or her employer in excess of a whole week is 3*
13 *days or less; and*

14 *(b) Rounded up if the number of days the employee was on the*
15 *payroll of his or her employer in excess of a whole week is 4 days*
16 *or more.*

17 **Sec. 8.** NRS 31.045 is hereby amended to read as follows:

18 31.045 1. Execution on the writ of attachment by attaching
19 property of the defendant may occur only if:

20 (a) The judgment creditor serves the defendant with notice of
21 the execution when the notice of the hearing is served pursuant to
22 NRS 31.013; or

23 (b) Pursuant to an ex parte hearing, the sheriff serves upon the
24 judgment debtor notice of the execution and a copy of the writ at the
25 same time and in the same manner as set forth in NRS 21.076.

26 ↪ If the attachment occurs pursuant to an ex parte hearing, the clerk
27 of the court shall attach the notice to the writ of attachment at the
28 time the writ is issued.

29 2. The notice required pursuant to subsection 1 must be
30 substantially in the following form:

31
32 **NOTICE OF EXECUTION**

33
34 **YOUR PROPERTY IS BEING ATTACHED OR**
35 **YOUR WAGES ARE BEING GARNISHED**
36

37 Plaintiff, (name of person), alleges that you
38 owe the plaintiff money. The plaintiff has begun the
39 procedure to collect that money. To secure satisfaction of
40 judgment, the court has ordered the garnishment of your
41 wages, bank account or other personal property held by third
42 persons or the taking of money or other property in your
43 possession.



1 Certain benefits and property owned by you may be
2 exempt from execution and may not be taken from you. The
3 following is a partial list of exemptions:

4 1. Payments received pursuant to the federal Social
5 Security Act, including, without limitation, retirement and
6 survivors' benefits, supplemental security income benefits
7 and disability insurance benefits.

8 2. Payments for benefits or the return of contributions
9 under the Public Employees' Retirement System.

10 3. Payments for public assistance granted through the
11 Division of Welfare and Supportive Services of the
12 Department of Health and Human Services or a local
13 governmental entity.

14 4. Proceeds from a policy of life insurance.

15 5. Payments of benefits under a program of industrial
16 insurance.

17 6. Payments received as disability, illness or
18 unemployment benefits.

19 7. Payments received as unemployment compensation.

20 8. Veteran's benefits.

21 9. A homestead in a dwelling or a mobile home, not to
22 exceed \$550,000, unless:

23 (a) The judgment is for a medical bill, in which case all of
24 the primary dwelling, including a mobile or manufactured
25 home, may be exempt.

26 (b) Allodial title has been established and not relinquished
27 for the dwelling or mobile home, in which case all of the
28 dwelling or mobile home and its appurtenances are exempt,
29 including the land on which they are located, unless a valid
30 waiver executed pursuant to NRS 115.010 is applicable to the
31 judgment.

32 10. All money reasonably deposited with a landlord by
33 you to secure an agreement to rent or lease a dwelling that is
34 used by you as your primary residence, except that such
35 money is not exempt with respect to a landlord or the
36 landlord's successor in interest who seeks to enforce the
37 terms of the agreement to rent or lease the dwelling.

38 11. A vehicle, if your equity in the vehicle is less than
39 \$15,000.

40 12. ~~[Seventy-five]~~ *Eighty-two* percent of the take-home
41 pay for any workweek ~~[]~~ *if your gross weekly salary or wage*
42 *on the date the most recent writ of garnishment was issued*
43 *was \$770 or less, or seventy-five percent of the take-home*
44 *pay for any workweek if your gross weekly salary or wage*
45 *on the date the most recent writ of garnishment was issued*



1 *exceeded \$770*, unless the weekly take-home pay is less than
2 50 times the federal minimum hourly wage, in which case the
3 entire amount may be exempt.

4 13. Money, not to exceed \$500,000 in present value,
5 held in:

6 (a) An individual retirement arrangement which conforms
7 with the applicable limitations and requirements of section
8 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408
9 and 408A;

10 (b) A written simplified employee pension plan which
11 conforms with the applicable limitations and requirements of
12 section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

13 (c) A cash or deferred arrangement that is a qualified plan
14 pursuant to the Internal Revenue Code;

15 (d) A trust forming part of a stock bonus, pension or
16 profit-sharing plan that is a qualified plan pursuant to sections
17 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
18 seq.; and

19 (e) A trust forming part of a qualified tuition program
20 pursuant to chapter 353B of NRS, any applicable regulations
21 adopted pursuant to chapter 353B of NRS and section 529 of
22 the Internal Revenue Code, 26 U.S.C. § 529, unless the
23 money is deposited after the entry of a judgment against the
24 purchaser or account owner or the money will not be used by
25 any beneficiary to attend a college or university.

26 14. All money and other benefits paid pursuant to the
27 order of a court of competent jurisdiction for the support,
28 education and maintenance of a child, whether collected by
29 the judgment debtor or the State.

30 15. All money and other benefits paid pursuant to the
31 order of a court of competent jurisdiction for the support and
32 maintenance of a former spouse, including the amount of any
33 arrearages in the payment of such support and maintenance to
34 which the former spouse may be entitled.

35 16. Regardless of whether a trust contains a spendthrift
36 provision:

37 (a) A present or future interest in the income or principal
38 of a trust that is a contingent interest, if the interest has not
39 been satisfied or removed;

40 (b) A present or future interest in the income or principal
41 of a trust for which discretionary power is held by a trustee to
42 determine whether to make a distribution from the trust, if the
43 interest has not been distributed from the trust;



1 (c) The power to direct dispositions of property in the
2 trust, other than such a power held by a trustee to distribute
3 property to a beneficiary of the trust;

4 (d) Certain powers held by a trust protector or certain
5 other persons; and

6 (e) Any power held by the person who created the trust.

7 17. If a trust contains a spendthrift provision:

8 (a) A present or future interest in the income or principal
9 of a trust that is a mandatory interest in which the trustee does
10 not have discretion concerning whether to make the
11 distribution from the trust, if the interest has not been
12 distributed from the trust; and

13 (b) A present or future interest in the income or principal
14 of a trust that is a support interest in which the standard for
15 distribution may be interpreted by the trustee or a court, if the
16 interest has not been distributed from the trust.

17 18. A vehicle for use by you or your dependent which is
18 specially equipped or modified to provide mobility for a
19 person with a permanent disability.

20 19. A prosthesis or any equipment prescribed by a
21 physician or dentist for you or your dependent.

22 20. Payments, in an amount not to exceed \$16,150,
23 received as compensation for personal injury, not including
24 compensation for pain and suffering or actual pecuniary loss,
25 by the judgment debtor or by a person upon whom the
26 judgment debtor is dependent at the time the payment is
27 received.

28 21. Payments received as compensation for the wrongful
29 death of a person upon whom the judgment debtor was
30 dependent at the time of the wrongful death, to the extent
31 reasonably necessary for the support of the judgment debtor
32 and any dependent of the judgment debtor.

33 22. Payments received as compensation for the loss of
34 future earnings of the judgment debtor or of a person upon
35 whom the judgment debtor is dependent at the time the
36 payment is received, to the extent reasonably necessary for
37 the support of the judgment debtor and any dependent of the
38 judgment debtor.

39 23. Payments received as restitution for a criminal act.

40 24. Personal property, not to exceed \$1,000 in total
41 value, if the property is not otherwise exempt from execution.

42 25. A tax refund received from the earned income credit
43 provided by federal law or a similar state law.

44 26. Stock of a corporation described in subsection 2 of
45 NRS 78.746 except as set forth in that section.



1 ↳ These exemptions may not apply in certain cases such as
 2 proceedings to enforce a judgment for support of a child or a
 3 judgment of foreclosure on a mechanic's lien. You should
 4 consult an attorney immediately to assist you in determining
 5 whether your property or money is exempt from execution. If
 6 you cannot afford an attorney, you may be eligible for
 7 assistance through (name of organization in
 8 county providing legal services to the indigent or elderly
 9 persons). If you do not wish to consult an attorney or receive
 10 legal services from an organization that provides assistance to
 11 persons who qualify, you may obtain the form to be used to
 12 claim an exemption from the clerk of the court.

13
 14 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

15
 16 If you believe that the money or property taken from you
 17 is exempt or necessary for the support of you or your family,
 18 you must file with the clerk of the court on a form provided
 19 by the clerk an executed claim of exemption. A copy of
 20 the claim of exemption must be served upon the sheriff, the
 21 garnishee and the judgment creditor within 10 days after the
 22 notice of execution or garnishment is served on you by mail
 23 pursuant to NRS 21.076 which identifies the specific property
 24 that is being levied on. The property must be released by the
 25 garnishee or the sheriff within 9 judicial days after you serve
 26 the claim of exemption upon the sheriff, garnishee and
 27 judgment creditor, unless the sheriff or garnishee receives a
 28 copy of an objection to the claim of exemption and a notice
 29 for a hearing to determine the issue of exemption. If this
 30 happens, a hearing will be held to determine whether the
 31 property or money is exempt. The objection to the claim of
 32 exemption and notice for the hearing to determine the issue of
 33 exemption must be filed within 8 judicial days after the claim
 34 of exemption is served on the judgment creditor by mail or in
 35 person and served on the judgment debtor, the sheriff and any
 36 garnishee not less than 5 judicial days before the date set for
 37 the hearing. The hearing must be held within 7 judicial days
 38 after the objection to the claim of exemption and notice for a
 39 hearing is filed. You may be able to have your property
 40 released more quickly if you mail to the judgment creditor or
 41 the attorney of the judgment creditor written proof that the
 42 property is exempt. Such proof may include, without
 43 limitation, a letter from the government, an annual statement
 44 from a pension fund, receipts for payment, copies of checks,
 45 records from financial institutions or any other document



1 which demonstrates that the money in your account is
2 exempt.
3

4 IF YOU DO NOT FILE THE EXECUTED CLAIM OF
5 EXEMPTION WITHIN THE TIME SPECIFIED, YOUR
6 PROPERTY MAY BE SOLD AND THE MONEY GIVEN
7 TO THE JUDGMENT CREDITOR, EVEN IF THE
8 PROPERTY OR MONEY IS EXEMPT.
9

10 If you received this notice with a notice of a hearing for
11 attachment and you believe that the money or property which
12 would be taken from you by a writ of attachment is exempt or
13 necessary for the support of you or your family, you are
14 entitled to describe to the court at the hearing why you
15 believe your property is exempt. You may also file a motion
16 with the court for a discharge of the writ of attachment. You
17 may make that motion any time before trial. A hearing will be
18 held on that motion.
19

20 IF YOU DO NOT FILE THE MOTION BEFORE
21 THE TRIAL, YOUR PROPERTY MAY BE SOLD AND
22 THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE
23 PROPERTY OR MONEY IS EXEMPT OR NECESSARY
24 FOR THE SUPPORT OF YOU OR YOUR FAMILY.

25 **Sec. 9.** NRS 31.060 is hereby amended to read as follows:

26 31.060 Subject to the requirements of NRS 31.045, the sheriff
27 to whom the writ is directed and delivered shall execute it without
28 delay, and if the undertaking mentioned in NRS 31.040 is not given,
29 as follows:

30 1. Real property must be attached by leaving a copy of the writ
31 with the occupant of the property or, if there is no occupant, by
32 posting a copy in a conspicuous place on the property and recording
33 the writ, together with a description of the property attached, with
34 the recorder of the county.

35 2. Personal property must be attached:

36 (a) By taking it into immediate custody, and, if directed by the
37 plaintiff, using the services of any company which operates a tow
38 car, as defined in NRS 706.131, or common motor carrier, as
39 defined in NRS 706.036, to transport it for storage in a warehouse or
40 storage yard that is insured or bonded in an amount not less than the
41 full value of the property; or

42 (b) By placing a keeper in charge of a going business where the
43 property is located, with the plaintiff prepaying the expense of the
44 keeper to the sheriff, during which period, the defendant, by order of
45 the court or the consent of the plaintiff, may continue to operate in



1 the ordinary course of business at the defendant's own expense if all
2 sales are for cash and the full proceeds are paid to the keeper for the
3 purpose of the attachment.

4 ↪ If the property is stored pursuant to paragraph (a), the property
5 must be segregated from other property and marked by signs or
6 other appropriate means indicating that it is in the custody of the
7 sheriff.

8 3. Any mobile home, as defined in NRS 40.215, must be
9 attached by:

10 (a) Posting a copy of the writ in a conspicuous place on the
11 mobile home;

12 (b) Taking it into immediate custody, subject to the provisions
13 of subsection 2; or

14 (c) Placing a keeper in charge of the mobile home for 2 days,
15 with the plaintiff prepaying the expense of the keeper to the sheriff:

16 (1) During which period, the defendant may continue to
17 occupy the mobile home; and

18 (2) After which period, the sheriff shall take the mobile home
19 into the sheriff's immediate custody, subject to the provisions of
20 subsection 2, unless other disposition is made by the court or the
21 parties to the action.

22 4. Debts and credits, due or to become due, and other personal
23 property in the possession or under the control of persons other than
24 the defendant must be attached by service of a writ of garnishment
25 as provided in NRS 31.240 to 31.460, inclusive **H**, *and sections 6*
26 *and 7 of this act.*

27 **Sec. 10.** NRS 31.260 is hereby amended to read as follows:

28 31.260 1. The writ of garnishment must:

29 (a) Be issued by the sheriff.

30 (b) Contain the name of the court and the names of the parties.

31 (c) Be directed to the garnishee defendant.

32 (d) State the name and address of the plaintiff's attorney, if any,
33 otherwise the plaintiff's address.

34 (e) Require each person the court directs, as garnishees, to
35 submit to the sheriff an answer to the interrogatories within 20 days
36 after service of the writ upon the person.

37 2. The writ of garnishment must also notify the garnishee
38 defendant that, if the garnishee defendant fails to answer the
39 interrogatories, a judgment by default will be rendered against the
40 garnishee defendant for:

41 (a) The amount demanded in the writ of garnishment or the
42 value of the property described in the writ, as the case may be; or

43 (b) If the garnishment is pursuant to NRS 31.291, the amount of
44 the lien created pursuant to that section,



1 ↪ which amount or property must be clearly set forth in the writ of
2 garnishment.

3 3. Execution on the writ of garnishment may occur only if the
4 sheriff mails a copy of the writ with a copy of the notice of
5 execution to the defendant in the manner and within the time
6 prescribed in NRS 21.076. In the case of a writ of garnishment that
7 continues for ~~120~~ 180 days or until the amount demanded in the
8 writ is satisfied, a copy of the writ and the notice of execution need
9 only be mailed once to the defendant.

10 **Sec. 11.** NRS 31.290 is hereby amended to read as follows:

11 31.290 1. The interrogatories to be submitted with any writ
12 of execution, attachment or garnishment to the garnishee may be in
13 substance as follows:

14
15 INTERROGATORIES

16
17 Are you in any manner indebted to the defendants.....

18
19
20 or either of them, either in property or money, and is the debt
21 now due? If not due, when is the debt to become due? State
22 fully all particulars.

23 Answer:.....

24

25 Are you an employer of one or all of the defendants? If so,
26 state the length of your pay period and the amount of
27 disposable earnings, as defined in NRS 31.295, that each
28 defendant presently earns during a pay period. State the
29 minimum amount of disposable earnings that is exempt from
30 this garnishment, which is the federal minimum hourly wage
31 prescribed by section ~~6(a)(1)~~ 206(a)(1) of the federal Fair
32 Labor Standards Act of 1938, 29 U.S.C. ~~§206(a)(1)~~ §§ 201
33 *et seq.*, in effect at the time the earnings are payable
34 multiplied by 50 for each week of the pay period, after
35 deducting any amount required by law to be withheld.

36 Calculate the garnishable amount as follows:

37 (Check one of the following) The employee is paid:

38 [A] Weekly: ___ [B] Biweekly: ___ [C] Semimonthly: ___

39 [D] Monthly: ___

40 (1) Gross Earnings \$ _____

41 (2) Deductions required by law (not
42 included child support) \$ _____

43 (3) Disposable Earnings [Subtract line 2
44 from line 1] \$ _____

45 (4) Federal Minimum Wage \$ _____



1 (5) Multiply line 4 by 50 \$ _____

2 (6) Complete the following directions in accordance with the

3 letter selected above:

4 [A] Multiply line 5 by 1 \$ _____

5 [B] Multiply line 5 by 2 \$ _____

6 [C] Multiply line 5 by 52 and then divide

7 by 24 \$ _____

8 [D] Multiply line 5 by 52 and then divide

9 by 12 \$ _____

10 (7) Subtract line 6 from line 3 \$ _____

11 This is the attachable earnings. This amount must not
12 exceed ~~[25%]~~ **18 percent** of the disposable earnings from line
13 **3 if the employee's gross weekly salary or wage on the**
14 **date the most recent writ of garnishment was issued was**
15 **\$770 or less, or 25 percent of the disposable earnings from**
16 **line 3 if the employee's gross weekly salary or wage on the**
17 **date the most recent writ of garnishment was issued**
18 **exceeded \$770.**

19 Answer:.....

20

21 *What is the gross weekly salary or wage of the*
22 *employee? The gross weekly salary or wage of an employee*
23 *must be determined as follows:*

24 *1. Except as otherwise provided in numbers 2 and 3*
25 *below, by dividing the employee's gross earnings for the*
26 *current calendar year as of the date the most recent writ of*
27 *garnishment was issued by the total number of weeks the*
28 *employee has worked in the current calendar year.*

29 *2. If the most recent writ of garnishment was issued*
30 *at the beginning of the current calendar year before the*
31 *employee received any earnings in the current calendar*
32 *year, but the employee received earnings in the previous*
33 *calendar year, by dividing the employee's gross earnings for*
34 *the previous calendar year by the total number of weeks the*
35 *employee worked in the previous calendar year.*

36 *3. If the employee has not been employed long*
37 *enough to have been paid as of the date the most recent writ*
38 *of garnishment was issued, or if the provisions of number 1*
39 *or 2 above do not otherwise apply, the gross weekly salary or*
40 *wage of the employee is the anticipated gross weekly*
41 *earnings of the employee as determined by his or her*
42 *employer.*

43 *For the purpose of determining the total number of*
44 *weeks the employee has worked in the current calendar year*
45 *or the total number of weeks the employee worked in the*



previous calendar year, as applicable, if the total number of weeks is not exact, the number must be rounded down if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or less, and rounded up if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 4 days or more.

Answer:.....

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in whichis interested? If so, state its value, and state fully all particulars.

Answer:.....

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to or in whichis interested, and now in the possession or under the control of others? If so, state particulars.

Answer:.....

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, \$400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:.....



1 State your correct name and address, or the name and
2 address of your attorney upon whom written notice of further
3 proceedings in this action may be served.

4 Answer:.....
5

6
7 Garnishee

8 I (insert the name of the garnishee), declare under
9 penalty of perjury that the answers to the foregoing
10 interrogatories by me subscribed are true and correct.

11
12 (Signature of garnishee)
13

14 2. The garnishee shall answer the interrogatories in writing
15 upon oath or affirmation and submit the answers to the sheriff
16 within the time required by the writ. The garnishee shall submit his
17 or her answers to the judgment debtor within the same time. If the
18 garnishee fails to do so, the garnishee shall be deemed in default.

19 **Sec. 12.** NRS 31.295 is hereby amended to read as follows:

20 31.295 1. As used in this section:

21 (a) "Disposable earnings" means that part of the earnings of any
22 person remaining after the deduction from those earnings of any
23 amounts required by law to be withheld.

24 (b) "Earnings" means compensation paid or payable for personal
25 services performed by a judgment debtor in the regular course of
26 business, including, without limitation, compensation designated as
27 income, wages, tips, a salary, a commission or a bonus. The term
28 includes compensation received by a judgment debtor that is in the
29 possession of the judgment debtor, compensation held in accounts
30 maintained in a bank or any other financial institution or, in the case
31 of a receivable, compensation that is due the judgment debtor.

32 2. The maximum amount of the aggregate disposable earnings
33 of a person which are subject to garnishment may not exceed:

34 (a) *Eighteen percent of the person's disposable earnings for*
35 *the relevant workweek if the person's gross weekly salary or wage*
36 *on the date the most recent writ of garnishment was issued was*
37 *\$770 or less;*

38 (b) Twenty-five percent of the person's disposable earnings for
39 the relevant workweek ~~(b)~~ *if the person's gross weekly salary or*
40 *wage on the date the most recent writ of garnishment was issued*
41 *exceeded \$770;* or

42 ~~(b)~~ (c) The amount by which the person's disposable earnings
43 for that week exceed 50 times the federal minimum hourly wage
44 prescribed by section ~~6(a)(1)~~ *206(a)(1)* of the federal Fair Labor



1 Standards Act of 1938, 29 U.S.C. ~~§ 206(a)(1)~~ §§ 201 *et seq.*, in
2 effect at the time the earnings are payable,

3 ↪ whichever is less.

4 3. The restrictions of subsection 2 do not apply in the case of:

5 (a) Any order of any court for the support of any person.

6 (b) Any order of any court of bankruptcy.

7 (c) Any debt due for any state or federal tax.

8 4. Except as otherwise provided in this subsection, the
9 maximum amount of the aggregate disposable earnings of a person
10 for any workweek which are subject to garnishment to enforce any
11 order for the support of any person may not exceed:

12 (a) Fifty percent of the person's disposable earnings for that
13 week if the person is supporting a spouse or child other than the
14 spouse or child for whom the order of support was rendered; or

15 (b) Sixty percent of the person's disposable earnings for that
16 week if the person is not supporting such a spouse or child,

17 ↪ except that if the garnishment is to enforce a previous order of
18 support with respect to a period occurring at least 12 weeks before
19 the beginning of the workweek, the limits which apply to the
20 situations described in paragraphs (a) and (b) are 55 percent and 65
21 percent, respectively.

22 **Sec. 13.** NRS 31.296 is hereby amended to read as follows:

23 31.296 1. Except as otherwise provided in subsection 3, if the
24 garnishee indicates in the garnishee's answer to garnishee
25 interrogatories that the garnishee is the employer of the defendant,
26 the writ of garnishment served on the garnishee shall be deemed to
27 continue for ~~120~~ 180 days or until the amount demanded in the
28 writ is satisfied, whichever occurs earlier.

29 2. In addition to the fee set forth in NRS 31.270, a garnishee is
30 entitled to a fee from the plaintiff of \$3 per pay period, not to exceed
31 \$12 per month, for each withholding made of the defendant's
32 earnings. This subsection does not apply to the first pay period in
33 which the defendant's earnings are garnished.

34 3. If the defendant's employment by the garnishee is
35 terminated before the writ of garnishment is satisfied, the garnishee:

36 (a) Is liable only for the amount of earned but unpaid, disposable
37 earnings that are subject to garnishment.

38 (b) Shall provide the plaintiff or the plaintiff's attorney with the
39 last known address of the defendant and the name of any new
40 employer of the defendant, if known by the garnishee.

41 4. The judgment creditor who caused the writ of garnishment
42 to issue pursuant to NRS 31.260 shall prepare an accounting and
43 provide a report to the judgment debtor, the sheriff and each
44 garnishee every ~~120~~ 180 days which sets forth, without limitation,
45 the amount owed by the judgment debtor, the costs and fees allowed



1 pursuant to NRS 18.160 and any accrued interest and costs on the
2 judgment. The report must advise the judgment debtor of the
3 judgment debtor's right to request a hearing pursuant to NRS 18.110
4 to dispute any accrued interest, fee or other charge. ~~[The judgment~~
5 ~~creditor must submit this accounting with each]~~ *Any* subsequent
6 application for writ made by the judgment creditor concerning the
7 same debt ~~[]~~ *must not be approved unless such an accounting and*
8 *report are submitted with the application.*

