

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1881 Session of  
2001

INTRODUCED BY CAPPELLI, M. BAKER, BARRAR, BENNINGHOFF, COSTA,  
FLEAGLE, GABIG, GEIST, HALUSKA, HASAY, HERSHEY, KELLER,  
KENNEY, LEH, LEWIS, MAJOR, MANN, R. MILLER, PALLONE,  
PISTELLA, SATHER, B. SMITH, E. Z. TAYLOR, TIGUE, TRICH, WILT  
AND CALTAGIRONE, AUGUST 20, 2001

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 20, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 attachment of wages.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 8127(a)(3.1) and (3.2) and (c) of Title  
7 42 of the Pennsylvania Consolidated Statutes are amended to  
8 read:

9 § 8127. Personal earnings exempt from process.

10 (a) General rule and exceptions.--The wages, salaries and  
11 commissions of individuals shall while in the hands of the  
12 employer be exempt from any attachment, execution or other  
13 process except upon an action or proceeding:

14 \* \* \*

15 (3.1) For back rent or for damages awarded to a judgment  
16 creditor-landlord arising out of a residential lease upon  
17 which the court has rendered judgment which is final.

1       However, the amount subject to attachment shall have deducted  
2       from it any security deposit held by the judgment creditor-  
3       landlord and forfeited by the judgment debtor-tenant under  
4       section 511.1 of the act of April 6, 1951 (P.L.69, No.20),  
5       known as The Landlord and Tenant Act of 1951, unless the  
6       security deposit has been applied to payment of rent due on  
7       the same premises for which the judgment for attachment has  
8       been entered. The judgment creditor-landlord shall have the  
9       burden of proving that such security deposit has been applied  
10      to payment of rent due on the premises herein described. The  
11      sum attached shall be no more than 10% of the net wages per  
12      pay period of the judgment debtor-tenant or a sum not to  
13      place the debtor's net income below the poverty income  
14      guidelines as provided annually by the Federal Office of  
15      Management and Budget, whichever is less. For the purposes of  
16      this paragraph, "net wages" shall mean all wages paid less  
17      only the following items:

18               (i)   Federal, State and local income taxes.

19               (ii)   F.I.C.A. payments and nonvoluntary retirement  
20      payments.

21               (iii)  Union dues.

22               (iv)  Health insurance premiums.

23               (3.2)  In the case of wage attachment for back rent or  
24      damages arising out of a residential lease, to implement the  
25      wage attachment, the judgment creditor-landlord shall comply  
26      with the Pennsylvania Rules of Civil Procedure and any  
27      applicable local rules. The judgment of the district justice,  
28      magistrate or any other court having jurisdiction over landlord  
29      and tenant matters or a judgment before the court of common  
30      pleas shall reflect that portion of the judgment which is for

1 back rent or damages arising out of a residential lease.

2 \* \* \*

3 (c) Duty of employer.--

4 (1) For any wage attachment for back rent or damages  
5 arising out of a residential lease, the employer shall send  
6 the attached wages to the prothonotary of the court of common  
7 pleas within 15 days from the close of the last pay period in  
8 each month. The employer shall be entitled to deduct from the  
9 moneys collected from each employee the costs incurred from  
10 the extra bookkeeping necessary to record such transactions,  
11 not exceeding \$5 of the amount of money so collected. If an  
12 employer is served with more than one attachment for back  
13 rent or damages arising out of a residential lease against  
14 the same judgment debtor, then the attachments shall be  
15 satisfied in the order in which they were served. Each prior  
16 attachment shall be satisfied before any effect is given to a  
17 subsequent attachment, subject to subsection (a)(3.2). Upon  
18 receipt of the wages, the prothonotary of the court of common  
19 pleas shall record and send said wages to the judgment  
20 creditor-landlord.

21 (2) For any wage attachment other than for back rent or  
22 damages arising out of a residential lease, the employer  
23 shall send the attached withheld wages to the prothonotary of  
24 the court of common pleas to be recorded, and upon receipt,  
25 the wages shall be sent to the creditor.

26 \* \* \*

27 Section 2. This act shall take effect in 60 days.