
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 908

Session of
1995

INTRODUCED BY CHADWICK, DENT, SAYLOR, SCHULER, COLAFELLA,
ROONEY, HUTCHINSON, ARMSTRONG, CLARK, RUBLEY, GEIST, TIGUE,
SATHER, MCGEEHAN, STISH, RAYMOND, TRELLO, HERSHEY, HENNESSEY,
DEMPSEY, FARGO, DALEY, EGOLF, MICHLOVIC, PLATTS, BATTISTO,
VAN HORNE, STURLA, COY, MICOZZIE, MERRY, E. Z. TAYLOR,
FLEAGLE, MARSICO, STABACK, WAUGH, BAKER, MAITLAND, RUDY AND
NAILOR, FEBRUARY 28, 1995

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 5, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 exceptions relating to attachment of personal earnings.

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

6 Section 1. Section 8127 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 8127. Personal earnings exempt from process.

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

13 (1) Under 23 Pa.C.S. Pt. IV (relating to divorce).

14 (2) For support.

15 (3) For board for four weeks or less.

1 (3.1) For ~~rent for~~ DAMAGES ARISING OUT OF A residential <—
2 ~~purposes~~ LEASE upon which the court has rendered judgment <—
3 WHICH IS FINAL. The sum attached shall be no more than 10% of <—
4 the net wages of the judgment debtor or a sum not to place
5 the debtor's net income below the poverty income guidelines
6 as provided annually by the Federal Office of Management and
7 Budget, WHICHEVER IS LESS. FOR THE PURPOSES OF THIS <—
8 PARAGRAPH, "NET WAGES" SHALL MEAN ALL WAGES PAID LESS ONLY
9 THE FOLLOWING ITEMS:

10 (I) FEDERAL, STATE AND LOCAL INCOME TAXES.

11 (II) F.I.C.A. PAYMENTS AND NONVOLUNTARY RETIREMENT
12 PAYMENTS.

13 (III) UNION DUES.

14 (IV) HEALTH INSURANCE PREMIUMS.

15 (3.2) (I) In the case of wage attachment for ~~rent~~ <—
16 ~~and/or damages for residential leases~~ ARISING OUT OF A <—
17 RESIDENTIAL LEASE, to implement the wage attachment, the
18 judgment creditor-landlord shall file a transcript of the
19 ~~district justice judgment~~ RECORD BEFORE THE LOWER COURT <—
20 with the prothonotary ~~of the county in which the district~~ <—
21 ~~justice judgment was awarded.~~ The transcript shall
22 include a statement as to the amount of the judgment. At
23 the time the transcript is filed, the judgment creditor-
24 landlord shall also file a statement with the
25 prothonotary, indicating the name and address of the <—
26 judgment debtor-tenant's employer, the judgment debtor-
27 tenant's last known mailing address and the name and
28 address of the judgment creditor-landlord. The
29 prothonotary shall forthwith notify the employer in
30 writing of said wage attachment, with a copy of said wage

1 attachment notice sent to the judgment debtor-tenant,
2 along with written notification requiring the judgment
3 debtor-tenant to notify the prothonotary and judgment
4 creditor-landlord of any subsequent change in employment.
5 It shall be the responsibility of the judgment creditor-
6 landlord to provide self-addressed, stamped envelopes to
7 the prothonotary, to the employer and tenant in regards
8 to those notices required herein. In any county where
9 there is no prothonotary, the filing shall be made in the
10 office which receives and maintains all civil court
11 filings or records.

12 (II) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM <—
13 "LOWER COURT" SHALL MEAN THE DISTRICT JUSTICE, MAGISTRATE
14 OR ANY OTHER COURT HAVING JURISDICTION OVER LANDLORD AND
15 TENANT MATTERS, EXCLUDING A COURT OF COMMON PLEAS.

16 (4) Under the act of August 7, 1963 (P.L.549, No.290),
17 referred to as the Pennsylvania Higher Education Assistance
18 Agency Act.

19 (b) Priority.--An order of attachment for support shall have
20 priority over any other attachment, execution, garnishment or
21 wage assignment.

22 (c) Duty of employer.--

23 (1) While ~~the attachment~~ AN ATTACHMENT FOR DAMAGES <—
24 ARISING OUT OF A RESIDENTIAL LEASE remains a lien, the
25 employer who is subject to a garnishment shall withhold the
26 attachable wages payable to a judgment debtor and shall remit
27 the amount withheld to the judgment creditor or his legal
28 representative within 15 days from the close of the last pay
29 period in each month. The employer shall be entitled to
30 deduct from the moneys collected from each employee the costs

1 incurred from the extra bookkeeping necessary to record such
2 transactions, not exceeding 2% \$5 of the amount of money so <—
3 collected. If an employer is served with more than one
4 attachment FOR DAMAGES ARISING OUT OF A RESIDENTIAL LEASE <—
5 against the same judgment debtor, then the attachments shall
6 be satisfied in the order in which they were served. Each
7 prior attachment shall be satisfied before any effect is
8 given to a subsequent attachment, SUBJECT TO SUBSECTION <—
9 (A)(3.2).

10 (2) In the case of wage attachment for ~~rent for~~ DAMAGES <—
11 ARISING OUT OF A residential ~~purposes~~ LEASE, the employer <—
12 shall send the attached wages to the DISTRICT JUSTICE TO BE <—
13 RECORDED AND UPON RECEIPT THE WAGES SHALL BE SENT TO THE
14 judgment creditor-landlord until the amount of the judgment
15 has been paid in full.

16 (3) FOR ANY WAGE ATTACHMENT OTHER THAN FOR DAMAGES <—
17 ARISING OUT OF A RESIDENTIAL LEASE, THE EMPLOYER SHALL SEND
18 THE ATTACHED WITHHELD WAGES TO THE COURT OF COMMON PLEAS TO
19 BE RECORDED, AND UPON RECEIPT, THE WAGES SHALL BE SENT TO THE
20 CREDITOR.

21 (D) DEFINITION.--FOR PURPOSES OF THIS SECTION, "DAMAGES"
22 SHALL MEAN THE ABUSE OF THE PHYSICAL MAKEUP OF THE LEASEHOLD
23 PREMISES. DAMAGES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
24 ABUSE OF WALLS, FLOORS, CEILINGS OR ANY OTHER PHYSICAL MAKEUP OF
25 THE LEASEHOLD PREMISES.

26 ~~(d)~~ (E) Prohibition against discharge.--The employer shall <—
27 not take any adverse action against any individual solely
28 because his wages, salaries or commissions have been attached.

29 (F) VICTIM OF ABUSE.--THIS SECTION SHALL NOT APPLY AND NO <—
30 WAGE ATTACHMENT SHALL BE ISSUED AGAINST AN ABUSED PERSON OR

1 VICTIM, AS DEFINED IN 23 PA.C.S. § 6102 (RELATING TO
2 DEFINITIONS), FOR DAMAGES RELATED TO RESIDENTIAL LEASES WHEN
3 SAID PERSON HAS OBTAINED A CIVIL PROTECTION ORDER PURSUANT TO 23
4 PA.C.S. § 6101 ET SEQ. (RELATING TO SHORT TITLE OF CHAPTER), OR
5 HAS OBTAINED A PROTECTIVE ORDER PURSUANT TO 18 PA.C.S. § 4954
6 (RELATING TO PROTECTIVE ORDERS), OR IS A VICTIM-WITNESS AS
7 DEFINED BY 18 PA.C.S. § 4951 (RELATING TO DEFINITIONS), IN A
8 CRIMINAL PROCEEDING AGAINST A FAMILY OR HOUSEHOLD MEMBER, AS
9 DEFINED IN 23 PA.C.S. § 6102, AND IT IS DETERMINED BY THE COURT
10 THAT THE DAMAGES WERE CAUSED BY THE FAMILY OR HOUSEHOLD MEMBER.

11 ~~(F)~~ (G) APPLICATION OF SECTION.--THIS SECTION SHALL APPLY TO <—
12 ALL JUDGMENTS WHICH REMAIN UNSATISFIED OR ARISE ON OR AFTER THE
13 EFFECTIVE DATE OF THIS SUBSECTION.

14 Section 2. This act shall take effect ~~in 60 days~~ <—
15 IMMEDIATELY. <—