

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1391 Session of
1995

INTRODUCED BY DEMPSEY, VAN HORNE, TRELLO, FLEAGLE, MERRY,
NAILOR, WAUGH, PLATTS, BROWN, FARGO, GEIST, BARLEY, STISH,
SAYLOR, SATHER, L. I. COHEN, BELFANTI, MILLER, MICOZZIE,
E. Z. TAYLOR, GODSHALL, LEH, SCHRODER, WOGAN, BATTISTO,
HERSHEY, STABACK, SEMMEL, HALUSKA, BAKER, HENNESSEY, BOSCOLA,
GLADECK, CHADWICK, FEESE AND STEELMAN, APRIL 20, 1995

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 20, 1995

AN ACT

1 Authorizing the attachment of wages.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Garnishment
6 Authorization Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Employee." The term includes an employee whether he is a
12 resident or nonresident of this Commonwealth.

13 "Wages." The monetary remuneration paid to an employee for
14 his employment.

15 Section 3. Nature of attachment.

1 (a) Attachment constitutes containing lien.--When an
2 attachment is levied against the wages of a judgment debtor, the
3 attachment shall constitute a lien on all attachable wages that
4 are payable at the time the attachment is served or which become
5 payable until the judgment, interest and costs, as set forth in
6 the attachment, are satisfied.

7 (b) Waiver.--A waiver of the limitations set forth in
8 section 4, whether given orally or in writing, shall be void.

9 Section 4. Limitations on wages subject to attachment.

10 (a) Amount of wages exempt.--The following are exempt from
11 attachment:

12 (1) Payments for medical insurance, dental insurance, or
13 both, deducted from an employee's wages by the employer.

14 (2) The greater of 30 times the Federal minimum wage or
15 75% of the net weekly take-home pay.

16 (b) Calculation per pay period.--The amount subject to
17 attachment shall be calculated per pay period.

18 Section 5. Duties of employer.

19 (a) Duty to withhold and remit.--While the attachment
20 remains a lien, the employer who is subject to a garnishment
21 shall withhold the attachable wages payable to a judgment debtor
22 and shall remit the amount withheld to the judgment creditor or
23 his legal representative within 15 days from the close of the
24 last pay period in each month. The employer shall be entitled to
25 deduct from the moneys collected from each employee the costs
26 incurred from the extra bookkeeping necessary to record such
27 transactions, not exceeding 2% of the amount of money so
28 collected.

29 (b) Order in which attachments satisfied.--If an employer is
30 served with more than one attachment against the same judgment

1 debtor, then the attachments shall be satisfied in the order in
2 which they were served. Each prior attachment shall be satisfied
3 before any effect is given to a subsequent attachment.

4 Section 6. Resignation or dismissal of employee.

5 (a) Lapse of attachment.--If a judgment debtor resigns or is
6 dismissed from his employment while an attachment on his wages
7 is wholly or partially unsatisfied, the attachment shall lapse.
8 No further deduction may be made unless the judgment debtor is
9 reinstated or reemployed within 90 days from the date of
10 dismissal.

11 (b) Prohibition.--An employer may not discharge his employee
12 because the employee's wages are subjected to attachment.

13 Section 7. Duties of judgment creditor.

14 (a) Statement of payments credited during month.--Within 15
15 days after the end of each month, the judgment creditor shall
16 furnish the employer, judgment debtor and clerk of the court a
17 written statement showing all payments that were credited to the
18 account of the judgment debtor during that month. However, this
19 subsection shall not apply if no payments were received by the
20 judgment creditor during that month.

21 (b) Notice of satisfaction of attachment.--The judgment
22 creditor shall, within 15 days after the satisfaction of the
23 judgment, interest and costs, notify in writing the employer and
24 the clerk of the court of the satisfaction.

25 (c) Application of payments received by judgment creditor.--
26 All payments received by a judgment creditor shall be credited
27 first against the accrued interest on the unpaid balance of the
28 judgment, if any, second upon the principal amount of the
29 judgment, and third upon those attorney fees and costs actually
30 assessed in the cause.

1 (d) Failure of judgment creditor to comply with section.--If
2 the judgment creditor fails to comply with the obligations
3 imposed by this section, the court may set aside the attachment
4 and order the judgment creditor to pay reasonable attorney fees
5 and costs of the party seeking to set aside the attachment.

6 Section 8. Waiver of sovereign immunity.

7 Wages due from or payable by the Commonwealth or any
8 municipal government or authority are subject to this act as if
9 any of these entities were a private person.

10 Section 9. Effective date.

11 This act shall take effect in 90 days.