

Senate Bill 1595

Sponsored by Senators GORSEK, JAMA, Representative SOSA, Senators GOLDEN, MANNING JR, PATTERSON, Representative RUIZ; Senators CAMPOS, DEMBROW, FREDERICK, GELSER BLOUIN, LIEBER, PROZANSKI, SOLLMAN, TAYLOR, WAGNER, WEBER, WOODS, Representatives ANDERSEN, BOWMAN, BYNUM, CHAICHI, DEXTER, FAHEY, GAMBA, GRAYBER, HARTMAN, HOLVEY, HUDSON, MARSH, NATHANSON, NELSON, NERON, NGUYEN D, NGUYEN H, NOSSE, PHAM K, RAYFIELD, REYNOLDS, SMITH G, VALDERRAMA, WALTERS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act increases some amounts that are protected from debt collectors. The Act changes some laws about bad debt collection methods. (Flesch Readability Score: 63.2).
Increases certain exemptions from garnishment and execution.
Modifies provisions relating to unfair debt collection practices.
Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to protections from debt collection; creating new provisions; amending ORS 18.345, 18.348,
3 18.385, 18.395, 18.402, 18.412, 18.600, 18.618, 18.658, 18.785, 18.787, 18.788, 18.790, 18.835, 18.838,
4 18.840, 18.845, 18.847, 18.854, 18.855, 18.888, 18.892, 18.896, 646.639 and 646.641 and ORCP 84 D;
5 repealing ORS 18.784 and 646.643; and prescribing an effective date.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1.** ORS 18.345 is amended to read:

8 18.345. (1) All property **of a judgment debtor**, including franchises, or rights or interest
9 *[therein, of the judgment debtor, shall be]* **in the judgment debtor's property, is** liable to an exe-
10 cution, except as provided in this section and in other statutes granting exemptions from execution.

11 The following property **of the judgment debtor**, or rights or interest *[therein of the judgment*
12 *debtor]* **in the property**, except as provided in ORS 18.305, *[shall be]* **is** exempt from execution:

13 (a) Books, pictures and musical instruments to the value of \$600.

14 (b) Wearing apparel, jewelry and other personal items to the value of \$1,800.

15 (c) The tools, implements, apparatus, team, harness or library, necessary to enable the judgment
16 debtor to carry on the trade, occupation or profession by which the judgment debtor habitually
17 earns a living, to the value of \$5,000.

18 *[(d) A vehicle to the value of \$3,000. As used in this paragraph "vehicle" includes an automobile,*
19 *truck, trailer, truck and trailer or other motor vehicle.]*

20 **(d)(A) A vehicle, including an automobile, truck, trailer, truck and trailer or other motor**
21 **vehicle, to the value of \$10,000; or**

22 **(B) If the judgment debtor owes a debt that arises out of a child support or spousal**
23 **support obligation or a money award judgment that includes restitution, a vehicle, including**
24 **an automobile, truck, trailer, truck and trailer or other motor vehicle, to the value of \$3,000.**

25 (e) Domestic animals and poultry kept for family use, to the total value of \$1,000 and food suf-
26 ficient to support such animals and poultry for 60 days.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (f) Household goods, furniture, radios, a television set and utensils all to the total value of
2 \$3,000, if the judgment debtor holds the property primarily for the personal, family or household use
3 of the judgment debtor; provisions actually provided for family use and necessary for the support
4 of a householder and family for 60 days and also 60 days' supply of fuel.

5 (g) All property of the state or any county or incorporated city therein, or of any other public
6 or municipal corporation of like character.

7 (h) All professionally prescribed health aids for the **judgment** debtor or a dependent of the
8 **judgment** debtor.

9 (i) Spousal support, child support, or separate maintenance to the extent reasonably necessary
10 for the support of the **judgment** debtor and any dependent of the **judgment** debtor.

11 (j) The **judgment** debtor's right to receive, or property that is traceable to, an award under any
12 crime victim reparation law.

13 (k) The **judgment** debtor's right to receive, or property that is traceable to, a payment or pay-
14 ments, not to exceed a total of \$10,000, on account of personal bodily injury of the **judgment** debtor
15 or an individual of whom the **judgment** debtor is a dependent.

16 (L) The **judgment** debtor's right to receive, or property that is traceable to, a payment in
17 compensation of loss of future earnings of the **judgment** debtor or an individual of whom the
18 **judgment** debtor is or was a dependent, to the extent reasonably necessary for the support of the
19 **judgment** debtor and any dependent of the **judgment** debtor.

20 (m) Veterans' benefits and loans.

21 (n) The **judgment** debtor's right to receive an earned income tax credit under the federal tax
22 laws and any moneys that are traceable to a payment of an earned income tax credit under the
23 federal tax laws.

24 (o) The **judgment** debtor's right to the assets held in, or right to receive payments under, a
25 medical savings account or health savings account authorized under section 220 or 223 of the
26 Internal Revenue Code.

27 (p) The **judgment** debtor's interest, not to exceed \$400 in value, in any personal property.
28 However, this exemption may not be used to increase the amount of any other exemption.

29 (q) The **judgment** debtor's right to receive a tax credit under ORS 315.273, and any moneys that
30 are traceable to a payment of a tax credit under ORS 315.273.

31 (2) If the property claimed by the judgment debtor as exempt is adjudicated by the court out of
32 which the execution issued to be of a value in excess of that allowed by the appropriate paragraph
33 of subsection (1) of this section, the officer seizing the property shall proceed to sell such property.
34 Out of the proceeds of such sale, the officer shall deduct costs of sale and shall pay to the judgment
35 debtor an amount equivalent to the value declared to be exempt by any of the paragraphs of sub-
36 section (1) of this section and shall apply the balance of the proceeds of sale on the execution. A
37 sale may not be made under such execution unless the highest bid made exceeds the appropriate
38 exemption claimed and allowed plus costs of sale. If no bid is received in excess of the value allowed
39 by the appropriate paragraph of subsection (1) of this section, the costs of sale shall be borne by the
40 judgment creditor.

41 (3) If two or more members of a household are joint judgment debtors, each judgment debtor
42 shall be entitled to claim the exemptions in subsection (1)(a), (b), (c), (d) and (p) of this section in
43 the same or different properties. The exemptions provided by subsection (1)(a), (b), (c), (d), (j), (k) and
44 (p) of this section, when claimed for jointly owned property, may be combined at the option of the
45 **judgment** debtors.

(4) Notwithstanding any other provision of law except ORS 657.855, if a writ of garnishment or other execution is issued to collect past due support as defined in ORS 18.600, 50 percent of unemployment compensation benefits, workers' compensation benefits and other benefits paid to the **judgment** debtor by the United States, by the state or by a political subdivision of the state are exempt. The exemption related to unemployment compensation benefits provided by this subsection is subject to ORS 657.855. The exemption provided by this subsection applies without regard to whether the payment is made on a periodic basis or in a lump sum, including any lump sum payable pursuant to a settlement or judgment. Notwithstanding subsection (1)(k) of this section, if a payment is made under a settlement or judgment on account of personal bodily injury and the garnishment or other execution is issued to collect past due support as defined in ORS 18.600, the lesser of 50 percent of the payment or \$7,500 is exempt.

SECTION 2. ORS 18.348 is amended to read:

18.348. (1) Funds that are exempt from execution under ORS 18.358, 18.385, 178.345, 238.445, 344.580, 407.595, 411.760, 414.095, 655.530, 656.234, 657.855 and 748.207 remain exempt when deposited in an account in a financial institution as long as the exempt funds are reasonably identifiable.

(2) Subsection (1) of this section does not apply to any accumulation of funds greater than \$7,500.

(3) All funds that are exempt under federal law remain exempt when deposited in an account in a financial institution as long as the exempt funds are reasonably identifiable.

(4) The application of subsections (1) and (3) of this section is not affected by the commingling of exempt and nonexempt funds in an account. For the purpose of identifying exempt funds in an account, first in, first out accounting principles shall be used.

(5) The provisions of this section do not affect the duties of a garnishee with respect to amounts in accounts that are not subject to garnishment under ORS [~~18.784~~] **18.785**.

SECTION 3. ORS 18.385 is amended to read:

18.385. (1) Except as provided in this section, 75 percent of the disposable earnings of an individual are exempt from execution.

(2) **Except as provided in subsection (6) of this section**, the disposable earnings of an individual are exempt from execution to the extent that payment under a garnishment would result in net disposable earnings for an individual of less than the following amounts:

[(a) \$254 for any period of one week or less;]

[(b) \$509 for any two-week period;]

[(c) \$545 for any half-month period;]

[(d) \$1,090 for any one-month period; and]

[(e) For any other period longer than one week, \$254 multiplied by that fraction produced by dividing the number of days for which the earnings are paid by seven. The amount calculated under this paragraph must be rounded to the nearest dollar.]

(a) For any period of one week or less:

(A) For wages payable before July 1, 2024, \$254.

(B) For wages payable on or after July 1, 2024, and before July 1, 2025, \$353.

(C) For wages payable on or after July 1, 2025, and before July 1, 2026, \$434.

(D) For wages payable on or after July 1, 2026, and before July 1, 2027, \$487.

(E) For wages payable on or after July 1, 2027, the minimum wage specified in ORS 653.025 (1), multiplied by 40.

(b) For any two-week period:

- 1 (A) For wages payable before July 1, 2024, \$509.
- 2 (B) For wages payable on or after July 1, 2024, and before July 1, 2025, \$707.
- 3 (C) For wages payable on or after July 1, 2025, and before July 1, 2026, \$869.
- 4 (D) For wages payable on or after July 1, 2026, and before July 1, 2027, \$973.
- 5 (E) For wages payable on or after July 1, 2027, the minimum wage specified in ORS
- 6 653.025 (1), multiplied by 80.
- 7 (c) For any half-month period:
- 8 (A) For wages payable before July 1, 2024, \$545.
- 9 (B) For wages payable on or after July 1, 2024, and before July 1, 2025, \$766.
- 10 (C) For wages payable on or after July 1, 2025, and before July 1, 2026, \$941.
- 11 (D) For wages payable on or after July 1, 2026, and before July 1, 2027, \$1,054.
- 12 (E) For wages payable on or after July 1, 2027, the minimum wage specified in ORS
- 13 653.025 (1), multiplied by 86.67.
- 14 (d) For any one-month period:
- 15 (A) For wages payable before July 1, 2024, \$1,090.
- 16 (B) For wages payable on or after July 1, 2024, and before July 1, 2025, \$1,532.
- 17 (C) For wages payable on or after July 1, 2025, and before July 1, 2026, \$1,883.
- 18 (D) For wages payable on or after July 1, 2026, and before July 1, 2027, \$2,109.
- 19 (E) For wages payable on or after July 1, 2027, the minimum wage specified in ORS
- 20 653.025 (1), multiplied by 173.33.
- 21 (e) For any other period longer than one week:
- 22 (A) The following amount multiplied by that fraction produced by dividing the number
- 23 of days for which the earnings are paid by seven, rounded to the nearest dollar:
- 24 (i) For wages payable before July 1, 2024, \$254.
- 25 (ii) For wages payable on or after July 1, 2024, and before July 1, 2025, \$353.
- 26 (iii) For wages payable on or after July 1, 2025, and before July 1, 2026, \$434.
- 27 (iv) For wages payable on or after July 1, 2026, and before July 1, 2027, \$487.
- 28 (B) For wages payable on or after July 1, 2027, the minimum wage specified in ORS
- 29 653.025 (1), multiplied by 40 and multiplied again by that fraction produced by dividing the
- 30 number of days for which the earnings are paid by seven. The amount calculated under this
- 31 sub-paragraph must be rounded to the nearest dollar.
- 32 (3) The State Court Administrator shall calculate the exemption amounts specified in
- 33 subsection (2) of this section each year on or before July 1 and shall publish the results of
- 34 the calculations on the Judicial Department website. In making the calculations, the State
- 35 Court Administrator shall round to the nearest dollar. The adjusted exemption amounts be-
- 36 come effective on July 1 of the year in which the State Court Administrator makes the cal-
- 37 culation.
- 38 [(3)] (4) If an individual is paid for a period shorter than one week[.]:
- 39 (a) The exemption calculated under subsection (2) of this section may not exceed [\$254] the
- 40 following amount for any one-week period[.]:
- 41 (A) For wages payable before July 1, 2024, \$254.
- 42 (B) For wages payable on or after July 1, 2024, and before July 1, 2025, \$353.
- 43 (C) For wages payable on or after July 1, 2025, and before July 1, 2026, \$434.
- 44 (D) For wages payable on or after July 1, 2026, and before July 1, 2027, \$487.
- 45 (E) For wages payable on or after July 1, 2027, the minimum wage specified in ORS

1 **653.025 (1), multiplied by 40.**

2 **(b) The exemption calculated under subsection (6) of this section may not exceed \$254.**

3 [(4)] (5) An employer shall deduct from the amount of disposable earnings determined to be
 4 nonexempt under subsections (1) [to (3)], **(2) and (4)** of this section any amounts withheld from the
 5 individual's earnings for the same period of time under an order issued pursuant to ORS 25.378 or
 6 419B.408 or ORS chapter 110. The employer shall make payment under a garnishment only of those
 7 amounts remaining after the deduction is made.

8 **(6) If a writ of garnishment includes or is attached to a notice from a state or federal**
 9 **child support agency, or includes or is attached to an attestation that a debt arises out of a**
 10 **child support or spousal support obligation or a money award judgment that includes**
 11 **restitution, the individual's disposable earnings are exempt only to the extent that payment**
 12 **under a garnishment would result in net disposable earnings for an individual of less than**
 13 **the following amounts:**

14 (a) **\$254 for any period of one week or less;**

15 (b) **\$509 for any two-week period;**

16 (c) **\$545 for any half-month period;**

17 (d) **\$1,090 for any one-month period; and**

18 (e) **For any other period longer than one week, \$254 multiplied by the fraction produced**
 19 **by dividing the number of days for which the earnings are paid by seven. The amount cal-**
 20 **culated under this paragraph must be rounded to the nearest dollar.**

21 [(5)] (7) Subsections (1) to [(4)] (6) of this section do not apply to:

22 (a) Any order of a court of bankruptcy.

23 (b) Any debt due for federal tax.

24 [(6)] (8) Subsections (2) to [(4)] (6) of this section do not apply to any debt due for state tax.
 25 Subsection (1) of this section does not apply to a debt due for state tax if a state agency issues a
 26 special notice of garnishment under ORS 18.855 (6).

27 [(7)] (9) A court may not make, execute or enforce any order or process in violation of this
 28 section.

29 [(8)] (10) Any waiver by an individual of the provisions of this section is void.

30 [(9)] (11) An employer may not discharge any individual because the individual has had earnings
 31 garnished.

32 **SECTION 4.** ORS 18.395 is amended to read:

33 18.395. (1)(a) **Except as provided in paragraph (b) of this subsection,** a homestead [*shall be*]
 34 **is exempt from sale on execution, from the lien of every judgment and from liability in any form for**
 35 **the debts of the owner to the amount in value of [\$40,000] \$150,000, except as otherwise provided**
 36 **by law. The exemption [*shall be*] is effective without the necessity of a claim thereof by the judgment**
 37 **debtor. When two or more members of a household are judgment debtors whose interests in the**
 38 **homestead are subject to sale on execution, the lien of a judgment or liability in any form, their**
 39 **combined exemptions under this section shall not exceed [\$50,000] \$300,000.**

40 **(b) A homestead is exempt from sale on execution, from the lien of every judgment and**
 41 **from liability in any form for the debts of the owner arising out of a child support or spousal**
 42 **support obligation or a money award judgment that includes restitution to the amount in**
 43 **value of \$40,000, except as otherwise provided by law. The exemption is effective without the**
 44 **necessity of a claim thereof by the judgment debtor. When two or more members of a**
 45 **household are judgment debtors whose interests in the homestead are subject to sale on ex-**

1 **ecution, the lien of a judgment or liability in any form, their combined exemptions under this**
 2 **section shall not exceed \$50,000.**

3 **(c) To qualify for the exemption under paragraph (a) or (b) of this subsection,** the home-
 4 stead must be the actual abode of and occupied by the owner, or the owner's spouse, parent or child,
 5 but the exemption shall not be impaired by:

6 [(a)] **(A)** Temporary removal or temporary absence with the intention to reoccupy the same as
 7 a homestead;

8 [(b)] **(B)** Removal or absence from the property; or

9 [(c)] **(C)** The sale of the property.

10 **(d)(A) The State Court Administrator shall index the amounts identified as exempt from**
 11 **execution under paragraph (a) of this subsection each year on or before July 1 to reflect in-**
 12 **creases or decreases in the cost of living for the previous calendar year, based on changes**
 13 **in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published**
 14 **by the Bureau of Labor Statistics of the United States Department of Labor or a successor**
 15 **agency. The State Court Administrator shall publish the adjusted exemption limitations on**
 16 **the Judicial Department website. In adjusting the amounts, the State Court Administrator**
 17 **shall round to the nearest \$100, but shall use unrounded adjusted amounts to calculate the**
 18 **amounts of the exemptions during the succeeding year. The new amounts become effective**
 19 **on July 1 of the year in which the State Court Administrator makes the adjustment.**

20 **(B) The indexing described in subparagraph (A) of this paragraph does not apply to the**
 21 **amount of any exemption specified for a debt that arises out of a child support or spousal**
 22 **support obligation or a money award judgment that includes restitution.**

23 (2) The exemption [*shall extend*] **extends** to the proceeds derived from [*such sale to an amount*
 24 *not exceeding \$40,000 or \$50,000, whichever amount*] **selling the homestead in the amount that is**
 25 **applicable under subsection (1)(a) or (b) of this section, if the proceeds are held for a period not**
 26 **exceeding one year and held with the intention to procure another homestead therewith.**

27 (3) The exemption period under subsection [(1)(b) and (c)] **(1)(c)(B) and (C)** of this section [*shall*
 28 *be*] **is** one year from the removal, absence or sale, whichever occurs first.

29 (4) When the owner of a homestead has been granted a discharge in bankruptcy or has conveyed
 30 the homestead property, the value thereof, for the purpose of determining a leviable interest in ex-
 31 cess of the homestead exemption, [*shall be*] **is** the value on the date of the petition in bankruptcy,
 32 whether the value is determined in the bankruptcy proceedings or not, or on the date the
 33 conveyance becomes effective, whichever [*shall first occur*] **occurs first**. However, with respect to
 34 judgments not discharged in the bankruptcy, or entered against the owner after discharge, the value
 35 on the effective date of conveyance [*shall be*] **is** controlling.

36 (5) Except as provided in subsection (7) of this section, [*no*] **a** homestead that is the actual abode
 37 of and occupied by the judgment debtor, or that is the actual abode of and occupied by a spouse,
 38 dependent parent or dependent child of the judgment debtor, [*shall*] **may not** be sold on execution
 39 to satisfy a judgment that at the time of entry does not exceed \$3,000. However, such judgment
 40 [*shall remain*] **remains** a lien upon the real property, and the property may be sold on execution:

41 (a) At any time after the sale of the property by the judgment debtor; and

42 (b) At any time after the property is no longer the actual abode of and occupied by the judgment
 43 debtor or the spouse, dependent parent or dependent child of the judgment debtor.

44 (6) The limitation on execution sales imposed by subsection (5) of this section is not impaired
 45 by temporary removal or temporary absence with the intention to reoccupy the property as a

1 homestead.

2 (7) The limitation on execution sales imposed by subsection (5) of this section does not apply if
3 two or more judgments are owing to a single judgment creditor and the total amount owing to the
4 judgment creditor, determined by adding the amount of each individual judgment as of the date the
5 judgment was entered, is greater than \$3,000.

6 (8) Upon the issuance of an order authorizing sale as required by ORS 18.904, and in conform-
7 ance with subsection (5) of this section, the sheriff may proceed to sell the property. If the home-
8 stead exemption applies, the sheriff shall pay the homestead owner out of the proceeds the [*sum of*
9 *\$40,000 or \$50,000, whichever is applicable,*] **applicable amount under subsection (1)(a) or (b) of**
10 **this section** and apply the balance of the proceeds on the execution. However, [*no sale shall be*
11 *made where the homestead*] **the sheriff may not sell the homestead if an** exemption applies unless
12 the sum bid for the homestead [*is in excess of the sum of the costs of sale and \$40,000 or \$50,000,*
13 *whichever is applicable*] **exceeds the sum of the costs of the sale and the amount of the appli-**
14 **cable exemption.** If no such bid is received, the **petitioner shall bear the** expense of the sale [*shall*
15 *be borne by the petitioner*].

16 (9) The homestead exemption provided by this section applies to a purchaser's interest under a
17 land sale contract, as defined by ORS 18.960.

18 (10) The homestead exemption provided by this section applies to:

19 (a) A floating home, as defined by ORS 830.700; and

20 (b) A manufactured dwelling, as defined by ORS 446.003.

21 **SECTION 5.** ORS 18.402 is amended to read:

22 18.402. [*The homestead mentioned in ORS 18.395 shall consist*] **A homestead described in ORS**
23 **18.395 consists**, when not located in any town or city laid off into blocks and lots, of any quantity
24 of land not exceeding 160 acres, and when located in any such town or city, of any quantity of land
25 not exceeding one block. However, a homestead under this section [*shall not exceed in value the sum*
26 *of \$40,000 or \$50,000, whichever amount is applicable under*] **may not exceed in value the applica-**
27 **ble amount specified in** ORS 18.395 (1).

28 **SECTION 6.** ORS 18.412 is amended to read:

29 18.412. (1) At any time after the date of execution of an agreement to transfer the ownership
30 of property in which a homestead exemption exists pursuant to ORS 18.395, the homestead owner
31 or the owner's transferee may give notice of intent to discharge the property from the judgment lien
32 to a judgment creditor. Each notice [*shall*] **must** bear the caption of the action in which the judg-
33 ment was recovered and [*shall*] **must**:

34 (a) Identify the property and the judgment and state that the judgment debtor is about to
35 transfer, or has transferred, the property and that the transfer is intended to discharge the property
36 from any lien effect of the judgment;

37 (b) State the fair market value of the property on the date of the notice or of any applicable
38 petition in bankruptcy, whichever is applicable, and list the encumbrances against the property, in-
39 cluding the nature and date of each encumbrance, the name of the encumbrancer and the amount
40 presently secured by each encumbrance;

41 (c) State that the property is claimed by the person giving the notice to be wholly exempt from
42 the lien of the judgment or, if the value of the property exceeds the sum of the encumbrances
43 specified as required under paragraph (b) of this subsection that are senior to the judgment lien and
44 [*\$40,000 or \$50,000, whichever amount of the homestead exemption is applicable under*] **the applicable**
45 **amount of the homestead exemption specified in** ORS 18.395 (1), that the amount of the excess

1 or the amount due on the judgment, whichever is less, will be deposited with the court administrator
2 for the court in which the judgment was entered for the use of the judgment holder; and

3 (d) Advise the holder of the judgment that the property may be discharged from any lien arising
4 from the judgment, without further notice to the judgment creditor, unless prior to a specified date,
5 which in no case may be earlier than 14 days after the date of mailing of the notice, the judgment
6 creditor files objections and a request for a hearing on the matter as provided in ORS 18.415.

7 (2) Each notice described by subsection (1) of this section [*shall*] **must** be sent by certified mail
8 to the judgment creditor, as shown by the court records, at the judgment creditor's present or last-
9 known address according to the best knowledge of the person sending the notice. A copy of each
10 notice, together with proof of mailing, may be filed with the court administrator for the court in
11 which the judgment was entered and [*shall*] **must** be filed by the court administrator with the re-
12 cords and files of the action in which the judgment was recovered.

13 **SECTION 7.** ORS 18.600 is amended to read:

14 18.600. As used in ORS 18.600 to 18.850:

15 (1) "Account" means an account at a financial institution, including a master account or sub-
16 account, to which an electronic payment may be directly routed.

17 (2) "Check" has the meaning given that term in ORS 73.0104.

18 (3) "Creditor" means a person to whom a debt is owed by a debtor.

19 (4) "Debt" means any monetary obligation for which a garnishment may be issued under ORS
20 18.605.

21 (5) "Debtor" means a person whose property is being garnished for the purpose of paying a debt
22 owed to a creditor.

23 (6) "Federal benefit payment" means:

24 (a) A benefit payment from the United States Social Security Administration that is protected
25 under 42 U.S.C. 407 and 1383(d)(1);

26 (b) A benefit payment from the United States Department of Veterans Affairs that is protected
27 under 38 U.S.C. 5301(a);

28 (c) A benefit payment from the Railroad Retirement Board that is protected under 45 U.S.C.
29 231m(a) and 352(e); or

30 (d) A benefit payment from the United States Office of Personnel Management that is protected
31 under 5 U.S.C. 8346 and 8470.

32 (7) "Financial institution" means a financial institution or trust company as those terms are
33 defined in ORS 706.008.

34 (8) "Garnishable property" means all property described in ORS 18.615, but does not include:

35 (a) Any property that is not subject to garnishment under ORS 18.618; and

36 (b) Any property that is applied as a setoff under ORS 18.620 or 18.795.

37 (9) "Garnishee" means a person to whom a writ of garnishment has been delivered.

38 (10) "Garnishment account review" means the process of examining deposits to an account to
39 determine whether benefit payments described in ORS [18.784 (3)] **18.785 (2)(c)** have been deposited
40 in the account during the lookback period **described in ORS 18.785 (2)(d)**.

41 (11) "Garnishor" means:

42 (a) The creditor, if the writ is issued by the court administrator on behalf of the creditor under
43 ORS 18.635 (2); or

44 (b) The issuer, if the writ is issued under ORS 18.635 by any person other than the court ad-
45 ministrator.

1 (12) "Past due support" means the amount of child or spousal support, or both, determined under
 2 a court or administrative order in a proceeding under ORS 25.501 to 25.556 or ORS chapter 107, 108,
 3 109, 110, 419B or 419C that has not been paid or is certified to be owed by another state under ORS
 4 25.083.

5 (13) "Wages" includes all amounts paid for the services of an employee by an employer, includ-
 6 ing amounts paid as a commission or bonus.

7 (14) "Writ" means a writ of garnishment.

8 **SECTION 8.** ORS 18.618 is amended to read:

9 18.618. (1)(a) Notwithstanding ORS 18.615, the following are not garnishable property:

10 (A) Equitable interests, except to the extent allowed under ORS chapter 130.

11 (B) Property in the custody of the law.

12 (C) Property in the possession of a conservator.

13 (D) Property in the possession of a personal representative that constitutes the subject matter
 14 of a trust contained in a duly probated will of a decedent.

15 (E) If a residential landlord is the garnishee, property in the possession of a residential landlord
 16 that is held as a security deposit or prepaid rent under ORS 90.300.

17 (F) The right of a seller under a land sale contract, as defined by ORS 18.960, to receive pay-
 18 ments that are due more than 45 days after the writ of garnishment is delivered.

19 (G) Amounts in an account in a financial institution that are not subject to garnishment under
 20 ORS [~~18.784~~] **18.785**.

21 (H) An identification document, such as a driver license, passport, certified copy of a record of
 22 live birth or Social Security card.

23 (b) If a garnishee holds any property described in paragraph (a) of this subsection, the garnishee
 24 must note in the garnishee response required by ORS 18.680 that the garnishee holds the property,
 25 but may not deliver the property to the garnishor.

26 (2)(a) Notwithstanding ORS 18.615, wages owing by a garnishee to a debtor for a specific pay
 27 period are not garnishable property if:

28 (A) The writ is delivered within two business days before the debtor's normal payday for the
 29 pay period;

30 (B) When the writ is delivered to the garnishee, the debtor's wages are paid by direct deposit
 31 to a financial institution, or the garnishee uses the Oregon Department of Administrative Services
 32 or an independent contractor as defined in ORS 670.600 as payroll administrator for the garnishee's
 33 payroll; and

34 (C) Before the writ is delivered to the garnishee, the garnishee issued instructions to the fi-
 35 nancial institution or the payroll administrator to pay the debtor for the pay period.

36 (b) If a garnishee owes any wages as described in paragraph (a) of this subsection, the garnishee
 37 must so note in the garnishee response required by ORS 18.680.

38 (3) Notwithstanding any other provision of law, if a voluntary or involuntary bankruptcy peti-
 39 tion has been filed by or on behalf of the debtor after a writ of garnishment could be issued under
 40 ORS 18.605, the garnishment of any property of the debtor in the garnishee's possession, control or
 41 custody is stayed pursuant to section 362 of the United States Bankruptcy Code (11 U.S.C. 101 to
 42 1330).

43 **SECTION 9.** ORS 18.658 is amended to read:

44 18.658. (1) Following delivery of a writ of garnishment to a garnishee, the person who delivered
 45 the writ must mail or deliver promptly the following documents to the debtor whose property is

1 being garnished by the writ:

2 (a) A copy of the writ of garnishment.

3 (b) The original of the debt calculation form.

4 (c) A notice of exemptions form in substantially the form provided by ORS 18.845 **or section**
5 **19 of this 2024 Act, as appropriate.**

6 (d) A challenge to garnishment form in substantially the form provided by ORS 18.850, with the
7 names and addresses of the garnishor and garnishee entered by the garnishor.

8 (2) A person serving a writ of garnishment may meet the requirements of subsection (1) of this
9 section by mailing the documents to the address of the debtor that appears in the writ of
10 garnishment. If an address for the debtor does not appear in the writ, the person serving the writ
11 need not comply with subsection (1) of this section.

12 **SECTION 10.** ORS 18.785 is amended to read:

13 18.785. *[(1) Except as provided in this section, if a financial institution determines from a*
14 *garnishment account review conducted under ORS 18.784 (1) that one or more payments described in*
15 *ORS 18.784 (3) have been deposited into the debtor's account by direct deposit or electronic payment*
16 *during the lookback period described in ORS 18.784 (2), and there is a positive balance in the account*
17 *at the time the garnishment account review is conducted, the financial institution shall:]*

18 *[(a) Immediately calculate and establish the amount in the debtor's account that is not subject to*
19 *garnishment and ensure that the debtor has full customary access to that amount; and]*

20 *[(b) Issue a notice to the account holder in substantially the form set forth in ORS 18.847.]*

21 *[(2) A financial institution shall issue the notice required by this section directly to the account*
22 *holder or to a fiduciary who administers the account and receives communications on behalf of the*
23 *account holder.]*

24 *[(3) The notice required by this section must be sent separately to the debtor and may not be in-*
25 *cluded with other materials being provided to the debtor by the financial institution that do not relate*
26 *to the garnishment.]*

27 *[(4) The notice required by this section must be sent to the account holder within three business*
28 *days after the financial institution completes the garnishment account review required by ORS 18.784*
29 *(1).]*

30 *[(5) A financial institution shall perform the calculation described in subsection (1) of this section*
31 *for each account of the account holder. However, the financial institution may issue a single notice*
32 *under this section for multiple accounts of the same account holder.]*

33 *[(6) Issuance of a notice under this section does not constitute the giving of legal advice and a fi-*
34 *nancial institution is not obligated to provide legal advice by reason of issuing a notice required by this*
35 *section.]*

36 **(1) As used in this section:**

37 **(a) "Base protected account balance" means the amount not subject to garnishment**
38 **calculated under subsection (2)(i) of this section.**

39 **(b) "Garnishment account review" means the review conducted under subsection (2)(c)**
40 **of this section.**

41 **(c) "Lookback period" means the period described in subsection (2)(d) of this section.**

42 **(2)(a)(A) If a financial institution receives a writ of garnishment for a debtor that has**
43 **an account with the financial institution, the financial institution shall first determine**
44 **whether the writ of garnishment includes a Notice of Right to Garnish Federal Benefits from**
45 **the United States Government or from a state child support enforcement agency, as provided**

1 in 31 C.F.R. part 212.

2 (B) If the writ of garnishment includes a Notice of Right to Garnish Federal Benefits, the
3 provisions of paragraphs (b) to (i) of this subsection do not apply to the writ of garnishment
4 and the financial institution shall proceed on the garnishment as provided in ORS 18.600 to
5 18.850.

6 (C) If the writ of garnishment does not include a Notice of Right to Garnish Federal
7 Benefits, the financial institution shall immediately calculate and establish the total amount
8 in all of the accounts the debtor has with the financial institution.

9 (b) If the total of the amounts in all of a debtor's accounts with the financial institution
10 does not exceed the base protected account balance, the financial institution shall provide
11 full customary access to the amounts in the debtor's accounts with the financial institution.

12 (c) If a financial institution finds under paragraph (a)(C) of this subsection that the total
13 amount in all of a debtor's accounts with the financial institution exceeds the base protected
14 account balance, the financial institution shall:

15 (A) Provide full customary access to the base protected account balance; and

16 (B) Conduct a garnishment account review to determine whether one or more of the
17 payments listed in this subparagraph were made to any of the debtor's accounts by direct
18 deposit or electronic transfer within the lookback period. The payments a financial institu-
19 tion must look for during a garnishment account review are:

20 (i) Federal benefit payments;

21 (ii) Payments from a public or private retirement plan as defined in ORS 18.358;

22 (iii) Public assistance payments or medical assistance, as defined in ORS 414.025, from
23 the State of Oregon or an agency of the State of Oregon;

24 (iv) Unemployment compensation payments from the State of Oregon or an agency of the
25 State of Oregon;

26 (v) Black lung benefits payments from the United States Department of Labor; and

27 (vi) Workers' compensation payments from a workers' compensation carrier.

28 (d) The lookback period during which a financial institution must determine whether a
29 payment listed in paragraph (c) of this subsection was made to a debtor's account with the
30 financial institution:

31 (A) Ends on the day before the day on which the financial institution conducts the
32 garnishment account review; and

33 (B) Begins:

34 (i) On the day in the second calendar month preceding the month in which the financial
35 institution conducts the garnishment account review that has the same number as the day
36 on which the lookback period ends; or

37 (ii) On the last day of the second calendar month preceding the month in which the fi-
38 nancial institution conducts the garnishment account review, if the day described in sub-
39 subparagraph (i) of this subparagraph does not exist.

40 (e)(A) If a financial institution determines after conducting a garnishment account re-
41 view that a payment listed in paragraph (c) of this subsection was made by direct deposit or
42 electronic transfer to an account the debtor has with the financial institution within the
43 lookback period, the financial institution shall provide the debtor with full customary access
44 to the sum of the following amounts, which are not subject to garnishment:

45 (i) The base protected account balance; and

1 (ii) The amount by which the sum of all payments listed in paragraph (c) of this sub-
2 section that were made by direct deposit or electronic transfer to the debtor's accounts with
3 the financial institution within the lookback period exceeds the base protected account bal-
4 ance.

5 (B) The amounts in subparagraph (A) of this paragraph are calculated as of the effective
6 date and time of the garnishment, but before the financial institution conducts the
7 garnishment account review, and are not affected by withdrawals of funds by the debtor af-
8 ter the effective date and time of the garnishment.

9 (f) A financial institution that conducts a garnishment account review shall proceed to
10 deliver to the garnishor under ORS 18.600 to 18.850 any amount that exceeds an amount not
11 subject to garnishment described in paragraph (e) of this subsection.

12 (g) A financial institution shall perform a garnishment account review only one time for
13 a specific garnishment. If the same writ of garnishment is served on a financial institution
14 more than once, the financial institution may not perform a garnishment account review or
15 take any other action relating to the garnishment based on the second and any subsequent
16 service of the writ of garnishment.

17 (h) The provisions of this subsection do not affect a debtor's ability to claim any ex-
18 emption that otherwise is available to the debtor under law for any amounts in an account
19 in a financial institution.

20 (i) The initial base protected account balance is the combined total of \$2,500 in all of a
21 debtor's accounts in the financial institution. The State Court Administrator shall index the
22 base protected account balance amount each year on or before July 1 to reflect increases or
23 decreases in the cost of living for the previous calendar year, based on changes in the Con-
24 sumer Price Index for All Urban Consumers, West Region (All Items), as published by the
25 Bureau of Labor Statistics of the United States Department of Labor or a successor agency.
26 The State Court Administrator shall publish the adjusted exemption on the Judicial Depart-
27 ment website. In adjusting the exempted amount, the State Court Administrator shall round
28 to the nearest \$100, but shall use the unrounded adjusted amount to calculate the exempted
29 amount for the succeeding year. The new exempted amount becomes effective on July 1 of
30 the year in which the State Court Administrator makes the adjustment and becomes the
31 amount that the State Court Administrator must adjust in the succeeding year.

32 (3) A financial institution that conducts the garnishment account review described in
33 subsection (2)(c) of this section shall, within three business days after conducting the
34 garnishment account review, notify the debtor, or a fiduciary that administers the debtor's
35 accounts and receives communications on behalf of the debtor, of the financial institution's
36 actions. The financial institution shall provide the notice in substantially the form specified
37 in ORS 18.847 and must send the notice to the debtor or fiduciary separately, not as part of
38 any communications unrelated to the garnishment that the financial institution provides to
39 the debtor or fiduciary.

40 (4) A financial institution must perform the calculations described in subsection (2)(c)
41 of this section for each of the debtor's accounts with the financial institution, but may issue
42 a single notice under subsection (3) of this section for multiple accounts of the same account
43 holder.

44 (5) Issuing a notice under subsection (3) of this section does not constitute giving legal
45 advice. A financial institution is not obligated to provide legal advice by reason of issuing a

1 **notice under subsection (3) of this section.**

2 **(6) The provisions of subsection (2)(c), (d), (e) and (f) of this section apply only to pay-**
 3 **ments that a financial institution can identify, from information the payer transmits to the**
 4 **financial institution, as one of the types of payments listed in subsection (2)(c) of this sec-**
 5 **tion.**

6 **SECTION 11.** ORS 18.787 is amended to read:

7 18.787. A financial institution is not liable to any account holder, garnishor or other financial
 8 institution, and may not be assessed any penalty, by reason of any action taken by the financial
 9 institution in good faith under ORS [18.784 or] 18.785, including:

10 (1) Delivery or refusal to deliver any funds that are not subject to garnishment under ORS
 11 [18.784] **18.785** to a garnishor;

12 (2) Providing the notice required [by this section] **under ORS 18.785** to an account holder;

13 (3) Customary clearing and settlement adjustments made to a debtor's account that affect the
 14 balance in the debtor's account; and

15 (4) Any bona fide errors that occur under ORS [18.784 or] 18.785 despite reasonable procedures
 16 implemented by the financial institution to prevent those errors.

17 **SECTION 12.** ORS 18.788 is amended to read:

18 18.788. A financial institution shall maintain records of account activity and actions taken by
 19 the financial institution in response to a garnishment that are adequate to demonstrate compliance
 20 with the requirements of ORS [18.784 and] 18.785 for a period of not less than two years after the
 21 financial institution receives the writ of garnishment.

22 **SECTION 13.** ORS 18.790 is amended to read:

23 18.790. (1) Except as provided in subsection (4) of this section, at the time of delivery of any
 24 writ of garnishment on a financial institution or at the time a notice of garnishment is delivered to
 25 the financial institution under ORS 18.854:

26 (a) A search fee of \$10 must be paid to the financial institution if the garnishor is the Depart-
 27 ment of Revenue.

28 (b) A search fee of \$15 must be paid to the financial institution if the garnishor is a person other
 29 than the department.

30 (2) A separate search fee must be paid under this section to the financial institution for each
 31 debtor if the writ is issued for more than one debtor under ORS 18.607 (5).

32 (3) If the search fee required under this section is not paid:

33 (a) The garnishment is not effective to garnish any property of the debtor; and

34 (b) The financial institution need not file a garnishee response.

35 (4) The search fee required under this section need not be paid to a financial institution if the
 36 debtor is an employee of the financial institution.

37 (5) Notwithstanding subsection (1) of this section, a financial institution may enter into an
 38 agreement with any state agency authorized to garnish pursuant to ORS 18.645 or 18.854 for periodic
 39 billing and payment of garnishee search fees required under this section.

40 (6) The right of a financial institution to receive the search fee required under this section does
 41 not in any way restrict or impair the right of the financial institution to charge and collect an ad-
 42 ditional garnishment processing fee from any debtor whose property the financial institution holds,
 43 or to whom the financial institution owes money. However, a financial institution may not charge
 44 or collect a garnishment processing fee in violation of ORS 652.610. If a financial institution charges
 45 a garnishment processing fee, the financial institution may collect the fee by deducting the amount

1 of the fee from any amount that the financial institution owes to the debtor.

2 (7) If a garnishment account review reveals that a payment **listed in ORS 18.785 (2)(c)** was
3 made by direct deposit or electronic payment to the debtor’s account during the lookback period
4 described in ORS [18.784 (2)] **18.785 (2)(d)**, the financial institution may not charge or collect a
5 garnishment processing fee under subsection (6) of this section against the amount that is not sub-
6 ject to garnishment, and may not charge or collect a garnishment processing fee under subsection
7 (6) of this section against any amounts in the account after the date of the garnishment account
8 review.

9 **SECTION 14.** ORS 18.835 is amended to read:

10 18.835. A garnishee response must be in substantially the following form:

13 _____ COURT
14 COUNTY OF _____

16 _____)
17 Plaintiff,) GARNISHEE
18) RESPONSE
19 vs.) Case No. _____
20)
21 _____)
22 Defendant.)

23
24 The writ of garnishment was delivered to me on the ____ day of _____, 2____. The following
25 responses are accurate and complete as of that date.

28 **PART I: DEBTOR’S PROPERTY**
29 **GENERALLY**
30 **(ALL GARNISHEES MUST FILL OUT**
31 **THIS PORTION OF THE RESPONSE)**

32
33 Place a check in front of all the following statements that apply. You may need to check more than
34 one statement.

35
36 — I have discovered that a voluntary or involuntary bankruptcy petition has been filed by or
37 on behalf of the Debtor after the date shown on the face of the writ as the date on which
38 the judgment was entered against the Debtor or after the debt otherwise became subject to
39 garnishment. (You need not complete any other part of this response, but you must sign the
40 response and deliver it in the manner specified in Step 2 of the Instructions to Garnishee
41 form.)

42
43 — I do not employ the Debtor, I do not have in my possession, control or custody any personal
44 property of the Debtor, and I do not owe any debts or other obligations to the Debtor.

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- I employ the Debtor. (You must complete Part II of this response.)

- I have in my possession, control or custody garnishable money that belongs to the Debtor (other than wages), or I owe a debt or other obligation to the Debtor (other than wages) that is due as of the time of this response. I am forwarding this money, or enough of it to satisfy the garnishment, to the Garnishor.

- I owe a debt or other obligation to the Debtor (other than wages) that was not due as of the time of this response but will become due within 45 days after the writ was delivered to me. I will forward the money, or enough of it to satisfy the garnishment, to the Garnishor when the debt or other obligation becomes due.

- I owe the following debt or other obligation to the Debtor (other than wages) that will not become due within 45 days after the date that the writ was delivered to me. I will not make any payments on the debt or obligation until I receive instructions from the Sheriff or until 30 days have passed from the date on which I deliver this response. (See Instructions to Garnishee form.)

- I have in my possession, control or custody the following personal property (other than money) that belongs to the Debtor. I will hold all of the property for the Garnishor until I receive instructions from the Sheriff or until 30 days have passed from the date on which I deliver this response. (See Instructions to Garnishee form.)

- I may owe money to or hold property of the Debtor, but I am not sure what or how much it might be. (You must provide an explanation in the following space and you must deliver an amended response when you find out. You must deliver an amended response even if you find out that you have no property of the Debtor or owe no money to the Debtor.)

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— (FINANCIAL INSTITUTIONS ONLY) We hold one or more accounts for the Debtor, of which \$_____ is not subject to garnishment under ORS [18.784] **18.785**. We are forwarding all other garnishable amounts, or enough of it to satisfy the garnishment, to the Garnishor.

— The writ of garnishment delivered to me, on its face, does not comply with the Oregon laws governing writs of garnishment, or I cannot determine the identity of the Debtor from the information in the writ. (You must provide an explanation in the following space.)

— I have received an order to withhold income that applies to the income of the Debtor. The order to withhold income has priority over the writ of garnishment, and compliance with the order will reduce or eliminate the money that I would otherwise deliver under the writ. (Provide details, including the name of the agency serving the order to withhold income, the date the order was served on you and the amount to be withheld. If you employ the Debtor, you must still complete Part II of this response.)

1 — I have received notice of a challenge to the garnishment. I will deliver to the court admin-
2 istrator all money that I would otherwise deliver to the Garnishor. (See Step 3 of In-
3 structions to Garnishee form.)

4
5 — Other (Explain)

6
7 _____
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9 _____
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11 _____
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13 _____

14
15 _____

16
17 PART II: DEBTOR'S EMPLOYER
18 (GARNISHEES WHO EMPLOY THE
19 DEBTOR MUST FILL OUT THIS
20 PORTION OF THE RESPONSE)

21
22 Place a check in front of all the following statements that apply. You may need to check more than
23 one statement.

24
25 NOTE: THE LAW PROHIBITS DISCHARGE OF THE DEBTOR FROM EMPLOYMENT BY REA-
26 SON OF GARNISHMENT.

27
28 — I employ the Debtor. The Debtor is paid on a _____ basis (insert "weekly," "monthly" or
29 other pay period). Wages will next be payable to the Debtor on the ____ day of _____,
30 2____. I will complete a Wage Exemption Calculation form for each payment of wages that is
31 made during the 90-day period immediately following the date that the writ of garnishment
32 was delivered to me. I will also complete a Wage Exemption Calculation form for the payday
33 immediately following the end of the 90-day period. I will forward to the Garnishor on each
34 of these occasions those wages calculated to be subject to garnishment, or enough of those
35 wages to satisfy the garnishment.

36
37 — I had already received a writ of garnishment from another Garnishor before this writ was
38 delivered to me. Under Oregon law, the previous writ has priority. The previous writ will
39 terminate on the ____ day of _____, 2____.

40 _____

41
42 I hereby certify that I have fully and accurately completed this garnishee response.

43
44 Dated _____, 2____

45

1 _____

2 Name of Garnishee

3

4 _____

5 Signature

6

7 Telephone number _____

8

9 Fax number (if available) _____

10

11 _____

12 Address

13 _____

14

15 **SECTION 15.** ORS 18.838 is amended to read:

16 18.838. Instructions to garnishees must be in substantially the following form:

17 _____

18

19 INSTRUCTIONS TO GARNISHEE

20

21 Except as specifically provided in these instructions, you must complete and deliver the
22 Garnishee Response within seven calendar days after you receive the writ of garnishment. If the
23 writ does not comply with Oregon law, the writ is not effective to garnish any property of the
24 Debtor, but you still must complete and deliver the Garnishee Response. You must complete and
25 deliver the response even though you cannot determine from the writ whether you hold any property
26 or owe any debt to the Debtor. If the seventh calendar day is a Saturday, Sunday or legal holiday,
27 you must deliver your response on or before the next following day that is not a Saturday, Sunday
28 or legal holiday.

29

30 The writ is not effective, and you need not make a Garnishee Response, if:

31

- 32 • You do not receive the writ within 60 days after the date of issuance shown on the face of
- 33 the writ.

34

- 35 • You do not receive an original writ of garnishment or a copy of the writ.

36

37 Statutes that may affect your rights and duties under the writ can be found in ORS 18.600 to
38 18.850.

39

40 NOTE: The Garnishor may be the Creditor, the attorney for the Creditor or some other person
41 who is authorized by law to issue the writ of garnishment. See the writ to determine who the
42 Garnishor is.

43

44 STEP 1. FILL OUT THE GARNISHEE RESPONSE.

45

1 All garnishees who are required to deliver a garnishee response must fill in Part I of the
2 Garnishee Response. Garnishees who employ the Debtor must also fill in Part II of the response.
3 You should keep a copy of the response for your records.

4
5 Completing Part I of the Garnishee Response. If you discover before you deliver your response
6 that a bankruptcy petition has been filed by or on behalf of the Debtor, and the bankruptcy petition
7 was filed after a judgment was entered against the Debtor or after the debt otherwise became sub-
8 ject to garnishment (see the date specified in the writ), you must put a check by the appropriate
9 statement in Part I. If a bankruptcy petition has been filed, you should not make any payments to
10 the Garnishor unless the court orders otherwise. You need not complete any other part of the re-
11 sponse, but you still must sign the response and deliver it in the manner described in Step 2 of these
12 instructions.

13 In all other cases you must list in Part I all money and personal property of the Debtor that is
14 in your possession, control or custody at the time of delivery of the writ. You must also list all debts
15 that you owe to the Debtor, whether or not those debts are currently due (e.g., money loaned to you
16 by the Debtor that is to be repaid at a later time).

17 If you are the employer of the Debtor at the time the writ is delivered to you, you must put a
18 check by the appropriate statement in Part I. In addition, you must complete Part II of the response.

19 If you believe that you may hold property of the Debtor or that you owe a debt to the Debtor,
20 but you are not sure, you must put a check by the appropriate statement and provide an explana-
21 tion. When you find out what property you hold that belongs to the Debtor, or you find out whether
22 you owe money to the Debtor and how much, you must prepare and deliver an amended response.
23 You must do this even if you find out that you have no property of the Debtor or that you do not
24 owe anything to the Debtor.

25 If you determine that the writ, on its face, does not comply with Oregon laws governing writs
26 of garnishment, or if you are unable to determine the identity of the Debtor from the information
27 in the writ, then the writ is not effective to garnish any property of the Debtor. You must put a
28 check by the appropriate statement in Part I and provide an explanation. You still must complete
29 the response and deliver the response in the manner described in Step 2 of these instructions.

30 If you have received an order to withhold income that applies to the income of the Debtor and
31 that order has priority over the garnishment, and if compliance with the order will reduce or elim-
32 inate the money or property that you would otherwise deliver under the garnishment, you must put
33 a check by the appropriate statement in Part I. You still must fill out the remainder of the response
34 and deliver the response in the manner described in Step 2 of these instructions. If you employ the
35 Debtor, you still must complete Part II of the response.

36 If you receive notice of a challenge to the garnishment before you send your response, you must
37 complete and deliver your response as otherwise required by these instructions. However, see Step
38 3 of these instructions regarding payment of money or delivery of property after receipt of notice
39 of a challenge to the garnishment.

40 If you owe a debt to the Debtor and the Debtor owes a debt to the holder of an underlying lien
41 on your property, you may be able to offset the amount payable to the underlying lienholder. See
42 ORS 18.620. You must note that you have made the offset in Part I of the response (under
43 "Other") and specify the amount that was offset.

44
45 Completing Part II of the Garnishee Response (employers only). You must fill in Part II of the

1 response if you employ the Debtor on the date the writ of garnishment is delivered to you, or if you
2 previously employed the Debtor and still owe wages to the Debtor on the date the writ is delivered
3 to you.

4
5 Wages affected. Except as provided below, the writ garnishes all wages that you owe to the
6 Debtor for work performed before the date you received the writ, even though the wages will not
7 be paid until a later date. The writ also garnishes all wages that are attributable to services per-
8 formed during the 90-day period following the date you received the writ, even though you would
9 not pay the Debtor for all or part of those services until after the end of the 90-day period. Wages
10 subject to garnishment under the writ include all amounts paid by you as an employer, whether on
11 an hourly, weekly or monthly basis, and include commission payments and bonuses.

12
13 Example 1: Debtor A is employed by you and is paid a monthly salary on the first day of
14 each month. You receive a writ of garnishment on July 17. The writ garnishes all wages
15 that you owe to Debtor A for work performed on or before July 17. If Debtor A was paid
16 on July 1 for services performed in the month of June, the writ garnishes Debtor A's salary
17 for the period beginning July 1 and ending October 15 (90 days after receipt of the writ).

18
19 The writ does not garnish any wages you owe to a Debtor for a specific pay period if:

20 (a) The writ is delivered to you within two business days before the Debtor's normal payday for
21 the pay period;

22 (b) When the writ is delivered to you, the Debtor's wages are paid by direct deposit to a finan-
23 cial institution, or you use an independent contractor as payroll administrator for your payroll; and

24 (c) Before the writ was delivered to you, you issued instructions to the financial institution or
25 the payroll administrator to pay the Debtor for the pay period.

26 If any wages are not garnishable by reason of the issuance of instructions to a financial insti-
27 tution or a payroll administrator as described above, you must so note in the Garnishee Response.
28 Thereafter, you must pay to the Garnishor all wages that are subject to garnishment that are at-
29 tributable to services performed by the Debtor during the 90-day period following the date you re-
30 ceived the writ.

31
32 Calculation of wages subject to garnishment. A Wage Exemption Calculation form is attached
33 to the writ of garnishment. You must use this form to calculate the amount of the Debtor's wages
34 that is subject to garnishment. You should read the instructions printed on the Wage Exemption
35 Calculation form to determine the normal wage exemption and the minimum wage exemption for
36 each payment you make under the writ.

37 A Wage Exemption Calculation form must be sent with the first payment you make under the
38 writ. For the 90-day period during which the writ is effective, you must also fill out and return a
39 Wage Exemption Calculation form with a subsequent payment any time the initial calculation
40 changes. Finally, you must fill out and return a Wage Exemption Calculation form with the final
41 payment that you make under the writ.

42
43 Payment of amount subject to garnishment. Payments under the writ must be made at the fol-
44 lowing times, unless the amount owing on the judgment or other debt is fully paid before the final
45 payment is made or the writ is released:

1 (a) You must make a payment to the Garnishor of all wages subject to garnishment at the time
2 you next pay wages to the Debtor. Complete the wage exemption computation, using the Wage Ex-
3 emption Calculation form, to determine the portion of the Debtor's wages that is subject to
4 garnishment. Be sure to adjust the minimum exemption amount for any payment that covers less
5 than a full pay period. You must include a copy of the Wage Exemption Calculation form with this
6 first payment.

7
8 Example 2: Using the facts given in Example 1, when you next make any payment of wages
9 to Debtor A after you receive the writ on July 17, you must complete the Wage Exemption
10 Calculation form and send the form to the Garnishor along with all amounts determined to
11 be subject to garnishment that are attributable to the period covered by the payment. If you
12 pay Debtor A on August 1, the payment will be for all wages attributable to the period be-
13 ginning July 1 and ending July 31.

14
15 (b) Unless the writ of garnishment is satisfied or released, during the 90-day period following the
16 date you received the writ, you must pay to the Garnishor all wages that are determined to be
17 subject to garnishment whenever you issue a paycheck to the Debtor. If the Debtor is paid on a
18 weekly basis, you must make payment under the writ on a weekly basis. If the Debtor is paid on a
19 monthly basis, you must make payment under the writ on a monthly basis. If the amount paid to the
20 Debtor varies from paycheck to paycheck, or changes at any time from the amount being paid at the
21 time the writ was delivered to you, you must perform a new wage exemption computation to deter-
22 mine the amount of wages subject to garnishment under the writ. You must send a copy of the new
23 Wage Exemption Calculation form with your payment to the Garnishor.

24
25 Example 3: Using the facts given above, as you make each subsequent payment of wages to
26 Debtor A you must make a payment of that portion of the Debtor's wages that are subject
27 to garnishment. If you continue to pay Debtor A on the first of each month, payments must
28 be made on September 1 and October 1.

29
30 (c) Upon the expiration of the 90-day period, you must make a final payment to the Garnishor
31 for all wages that were owing to the Debtor for the work performed by the Debtor through the 90th
32 day following your receipt of the writ. This payment may be made at the time of the Debtor's next
33 paycheck. You will need to complete another Wage Exemption Calculation form to determine the
34 amount of the wages subject to garnishment.

35
36 Example 4: Using the facts given above, you must make a final payment for the wages owing
37 to Debtor A for the period beginning October 1 and ending October 15. You may make this
38 payment at the time you issue Debtor A's paycheck on November 1, but you must make the
39 payment at any time you issue a paycheck to Debtor A after October 15. Be sure that in
40 completing the wage exemption computation for the final payment you adjust the minimum
41 exemption amount to take into account the fact that the period covered is only 15 days of
42 the full month (see instructions on Wage Exemption Calculation form).

43
44 Processing fee. You may collect a \$2 processing fee for each week of wages, or fraction of a
45 week of wages, for which a payment is made under the writ. The fee must be collected after you

1 make the last payment under the writ. The fee must be withheld from the wages of the debtor, and
2 is in addition to the amounts withheld for payment to the garnishor under the writ or under any
3 other writ you have received.

4
5 If you receive more than one writ of garnishment. If you receive a second writ of garnishment
6 for the same Debtor from another Garnishor, the first writ will have priority for wages. The priority
7 of the first writ lasts for the 90-day period following delivery of that writ to you, or until the first
8 writ is paid in full, whichever comes first. In your response to the second writ, you must put a check
9 by the appropriate statement in Part II and indicate the date on which the first writ will expire (90
10 days after the date you received the writ). You should make no payments under the second writ
11 until expiration of the first writ. The expiration date of the second writ is 90 days after the date
12 you received the second writ; the expiration date is not affected by any delay in payment attribut-
13 able to the priority of the first writ.

14
15 STEP 2. DELIVER THE GARNISHEE RESPONSE.

16
17 You must deliver your Garnishee Response and copies of the response in the manner provided
18 in this step. The response and copies may be mailed or delivered personally.

19
20 You must complete and deliver the Garnishee Response within seven calendar days after you
21 receive the writ of garnishment. If the seventh calendar day is a Saturday, Sunday or legal holiday,
22 you must deliver your response on or before the next following day that is not a Saturday, Sunday
23 or legal holiday.

24
25 If you are required to hold any property under the writ or make any payment under the writ,
26 either at the time of making your response or later, you must:

27 (a) Send the original of your Garnishee Response to the Garnishor at the address indicated on
28 the writ under Important Addresses.

29 (b) Send a copy of your Garnishee Response to the court administrator at the address indicated
30 on the writ under Important Addresses.

31 (c) Send a copy of your Garnishee Response to the Debtor if an address is indicated on the writ
32 under Important Addresses.

33
34 If you are not required to hold any property under the writ or make any payment under the
35 writ, either at the time of making your response or later, you must:

36 (a) Send the original of your Garnishee Response to the Garnishor at the address indicated on
37 the writ under Important Addresses.

38 (b) Send a copy of your Garnishee Response to the Debtor if an address is indicated on the writ
39 under Important Addresses.

40
41 STEP 3. DELIVER THE FUNDS OR OTHER PROPERTY.

42
43 As long as the writ is in effect, you may be liable to the Creditor if you pay any debt or turn
44 over any property to the Debtor except as specifically allowed by law. If you have any money or
45 property of the Debtor in your possession, control or custody at the time of delivery of the writ, or

1 owe any debt to the Debtor, you must pay the money or hold the property as required by this step.
2 Exceptions to this requirement are listed below.

3
4 IF YOU ARE HOLDING MONEY FOR THE DEBTOR OR OWE A DEBT THAT IS CUR-
5 RRENTLY DUE, you must pay the money to the Garnishor with your response. You must send your
6 payment to the Garnishor at the address indicated on the writ under Important Addresses. Make
7 your check payable to the Garnishor.

8
9 IF YOU OWE A DEBT TO THE DEBTOR THAT WILL BECOME DUE WITHIN 45 DAYS
10 AFTER THE DATE YOU RECEIVED THE WRIT, you must send your payment directly to the
11 Garnishor at the address provided in the writ when the debt becomes due. Make your check payable
12 to the Garnishor.

13
14 IF YOU ARE HOLDING PROPERTY THAT BELONGS TO THE DEBTOR, OR OWE A DEBT
15 TO THE DEBTOR THAT WILL NOT BECOME DUE WITHIN 45 DAYS AFTER THE DATE YOU
16 RECEIVED THE WRIT, you must keep the property or debt in your possession, control or custody
17 until you receive written notice from the Sheriff. The Sheriff's notice will tell you what to do with
18 the property or debt. If you have followed all of the instructions in the writ and you receive no
19 notice from the Sheriff within 30 days after the date on which you delivered your Garnishee Re-
20 sponse, you may treat the writ as being of no further force or effect.

21
22 EXCEPTIONS:

23
24 1. Challenge to garnishment or specific directions from court. If you are making any payments
25 under the garnishment and before making a payment you receive notice of a challenge to the
26 garnishment from the court, or receive a specific direction from the court to make payments to the
27 court, you must send or deliver the payment directly to the court administrator. If the money is
28 currently due when you receive the notice, send the payment promptly to the court. If the payment
29 is for a debt that is payable within 45 days after you receive the writ, make the payment to the
30 court promptly when it becomes due. If you make payment by check, make the check payable to the
31 State of Oregon. Because you may be liable for any payment that does not reach the court, it is
32 better not to send cash by mail.

33 A challenge to the garnishment does not affect your duty to follow the instructions you receive
34 from the Sheriff for property that belongs to the Debtor and debts that you owe to the Debtor that
35 do not become due within 45 days.

36
37 2. Previous writ of garnishment. If you receive a second writ of garnishment for the same Debtor
38 from another Garnishor, the first writ will have priority and you need not make payments or deliver
39 property under the second writ to the extent that compliance with the first writ will reduce or
40 eliminate the payment of money or delivery of property that you would otherwise make under the
41 garnishment. You must still deliver a Garnishee Response to the second writ, and must commence
42 payment under the second writ as soon as the first writ is satisfied or expires.

43
44 3. Offset for payment of underlying lien. If you owe a debt to the Debtor and the Debtor owes
45 a debt to the holder of an underlying lien on your property, you may be able to offset the amount

1 payable to the underlying lienholder. See ORS 18.620.

2
3 4. Subsequent events:

4
5 (a) Bankruptcy. If you make your response and then discover that a voluntary or involuntary
6 bankruptcy petition has been filed by or on behalf of the Debtor after the judgment was entered
7 against the Debtor or after the debt otherwise became subject to garnishment (see date in writ), you
8 may not make any further payments or delivery of property under the writ unless the court orders
9 otherwise. If you have not delivered all property that is subject to garnishment under this writ when
10 you discover that a bankruptcy petition has been filed, you must mail the following notice to the
11 Garnishor and to the Debtor.

12
13 (b) Order to withhold income. If you make your response and then receive an order to withhold
14 income that has priority over the writ, you may make payments or deliver property under the writ
15 only after payment of the amounts required under the order to withhold income. If you have not
16 delivered all property that is subject to garnishment under this writ when you receive an order to
17 withhold income that has priority, you must mail the following notice to the Garnishor and to the
18 Debtor.

19 _____
20
21 SUPPLEMENTAL GARNISHEE
22 RESPONSE
23

24 TO: The Garnishor and the Debtor

25
26 RE: Writ of garnishment received _____, 2___ (date), in the case of _____ (Plaintiff)
27 vs. _____ (Defendant), Circuit Court of _____ County, Oregon, Case No. _____.

28
29 The undersigned Garnishee furnished a Garnishee Response to this writ of garnishment on
30 _____, 2___ (date). Since that time (check appropriate statement):

31
32 ___ I have discovered that a voluntary or involuntary bankruptcy petition has been filed by or
33 on behalf of the Debtor after the judgment was entered against the Debtor or after the debt
34 otherwise became subject to garnishment.

35
36 ___ I have received an order to withhold income of the Debtor by reason of a support obligation.
37 Under ORS 25.375, the order to withhold income has priority over any other legal process
38 under Oregon law against the same income. The withholding of income pursuant to the or-
39 der to withhold income might reduce or eliminate subsequent payments under the
40 garnishment. (Provide details, including the name of the agency serving the order to with-
41 hold, the date the order was served on you and the amounts to be withheld.)

42
43 Dated _____, 2___

44
45 _____

1 Name of Garnishee

2
3 _____
4 Signature

5
6 _____
7 Address

8
9
10 SPECIAL INSTRUCTIONS FOR BANKS
11 AND OTHER FINANCIAL INSTITUTIONS
12

13 *[Unless a Notice of Right to Garnish Federal Benefits from the United States Government or from*
14 *a state child support enforcement agency is attached to or included in the garnishment, you must con-*
15 *duct a garnishment account review for each account that you hold for the debtor. If a Notice of Right*
16 *to Garnish Federal Benefits from the United States Government or from a state child support enforce-*
17 *ment agency is attached to or included in the garnishment, you should not conduct a garnishment ac-*
18 *count review, and should proceed upon the garnishment in the normal manner.]*

19 *[If you hold an account for the debtor, and any of the payments listed below has been deposited*
20 *in the account by direct deposit or electronic payment during the lookback period described in ORS*
21 *18.784 (2) (the period that begins on the date preceding the date of your garnishment account review*
22 *and that ends on the corresponding date of the month two months earlier, or on the last day of the*
23 *month two months earlier if the corresponding date does not exist), an amount equal to the lesser of*
24 *the sum of those payments or the total balance in the debtor's account is not subject to garnishment,*
25 *and you may not deliver that amount to the garnishor:]*

26 *[(a) Federal benefit payments as defined in ORS 18.600 (payments from the United States Social*
27 *Security Administration, the United States Department of Veterans Affairs, the United States Office*
28 *of Personnel Management or the Railroad Retirement Board);]*

29 *[(b) Payments from a public or private retirement plan as defined in ORS 18.358;]*

30 *[(c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State*
31 *of Oregon or an agency of the State of Oregon;]*

32 *[(d) Unemployment compensation payments from the State of Oregon or an agency of the State of*
33 *Oregon;]*

34 *[(e) Black lung benefits payments from the United States Department of Labor; and]*

35 *[(f) Workers' compensation payments from a workers' compensation carrier.]*

36 **(1)(a) If you receive a writ of garnishment for a Debtor who has an account with your**
37 **institution, you must first determine whether a Notice of Right to Garnish Federal Benefits**
38 **from the United States Government or from a state child support enforcement agency, as**
39 **provided in 31 C.F.R. part 212, accompanies the writ of garnishment.**

40 **(b) If a Notice of Right to Garnish Federal Benefits accompanies the writ of garnishment,**
41 **you must proceed with the garnishment in the normal manner.**

42 **(c) If a Notice of Right to Garnish Federal Benefits does not accompany the writ of**
43 **garnishment, you must immediately determine the total amount in all of the accounts the**
44 **Debtor has with your institution.**

45 **(2)(a) If, after making the determination in (1)(c) above, you find that the total amount**

1 in all of the Debtor's accounts with your institution is less than or equal to the base pro-
 2 tected account balance, as defined in ORS 18.785 (1)(a), shown on the Oregon Judicial De-
 3 partment website as exempt from garnishment:

4 (A) The Debtor's accounts are not subject to garnishment.

5 (B) You must provide full customary access to the Debtor's accounts.

6 (b) As of the effective date of this 2024 Act, the amount that is not subject to
 7 garnishment is \$2,500, but this amount is indexed to the Consumer Price Index for All Urban
 8 Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the
 9 United States Department of Labor or a successor agency, and may vary from year to year.

10 (3) If, after making the determination in (1)(c) above, you find that the total amount in
 11 all of the Debtor's accounts with your institution exceeds the base protected account balance
 12 shown on the Oregon Judicial Department website as exempt from garnishment:

13 (a) The base protected account balance is not subject to garnishment.

14 (b) You must provide full customary access to the base protected account balance shown
 15 on the Oregon Judicial Department website as exempt from garnishment.

16 (c) You must conduct a garnishment account review.

17 (4) In a garnishment account review, you must determine whether any of the following
 18 payments were made by direct deposit or electronic transfer to any of the Debtor's accounts
 19 with your institution within the lookback period described in ORS 18.785 (2)(d) (the period
 20 that begins on the date preceding the date of your garnishment account review and that ends
 21 on the corresponding date of the month two months earlier, or on the last day of the month
 22 two months earlier if the corresponding date does not exist):

23 (a) Federal benefit payments as defined in ORS 18.600 (benefit payments from the United
 24 States Social Security Administration, the United States Department of Veterans Affairs, the
 25 United States Office of Personnel Management or the Railroad Retirement Board);

26 (b) Payments from a public or private retirement plan as defined in ORS 18.358;

27 (c) Public assistance payments or medical assistance, as defined in ORS 414.025, from the
 28 State of Oregon or an agency of the State of Oregon;

29 (d) Unemployment compensation payments from the State of Oregon or an agency of the
 30 State of Oregon;

31 (e) Black lung benefits payments from the United States Department of Labor; or

32 (f) Workers' compensation payments from a workers' compensation carrier.

33 (5) If in the garnishment account review you determine that any of the payments listed
 34 in (4) above were made by direct deposit or electronic transfer to any of the Debtor's ac-
 35 counts with your institution within the lookback period, you may not garnish, and must
 36 provide full customary access to, the sum of:

37 (a) The base protected account balance shown on the Oregon Judicial Department
 38 website as exempt from garnishment; and

39 (b) The amount by which the sum of all payments described in (4) above exceeds the base
 40 protected account balance.

41 (6) Any amount in the Debtor's accounts that exceeds the amounts described in (5) above
 42 is subject to garnishment and you must proceed with garnishment in the ordinary manner.

43
 44 If the Garnishor fails to pay the search fee required by ORS 18.790 and you do not employ the
 45 Debtor, you are not required to deliver a Garnishee Response and you may deal with any property

1 of the Debtor as though the garnishment had not been issued.

2
3 If the Debtor owes a debt to you that was due at the time you received the writ of garnishment,
4 you may be able to offset the amount of that debt. See ORS 18.795. You must note that you have
5 made the offset in Part I of the Garnishee Response (under "Other") and specify the amount that
6 was offset.

7
8 Before making a payment under the writ, you may first deduct any processing fee that you are
9 allowed under ORS 18.790. If you are required to conduct a garnishment account review, you may
10 not charge or collect a processing fee against any amount that is not subject to garnishment, and
11 may not charge or collect a garnishment processing fee against any amounts in the account after
12 the date that you conduct the review.

13
14 You need not deliver any property contained in a safe deposit box unless the Garnishor pays
15 you in advance for the costs that will be incurred in gaining entry to the box. See ORS 18.792.

16
17 If you are required to conduct a garnishment account review and you determine from the review
18 that one or more of the payments listed in ORS [18.784 (3)] **18.785 (2)(c)** have been deposited into
19 the Debtor's account by direct deposit or electronic payment during the lookback period described
20 in ORS [18.784 (2)] **18.785 (2)(d)**, and that there is a positive balance in the account, you must issue
21 a notice to the account holder in substantially the form set forth in ORS 18.847. The notice must
22 be issued directly to the account holder or to a fiduciary who administers the account and receives
23 communications on behalf of the account holder. The notice must be sent separately to the account
24 holder and may not be included with other materials being provided to the account holder that do
25 not relate to the garnishment. You must send the notice to the account holder within three business
26 days after you complete the garnishment account review. You may issue one notice with information
27 related to multiple accounts of a single account holder.

28
29
30 **SECTION 16.** ORS 18.840 is amended to read:

31 18.840. (1) A wage exemption calculation form must be delivered to the garnishee with each writ
32 of garnishment. **Except as provided in subsection (2) of this section,** a wage exemption calcu-
33 lation form must be in substantially the following form:

34
35
36 **WAGE EXEMPTION CALCULATION**
37 (to be filled out by employers only)

- 38
39 1. Debtor's gross wages
40 for period covered by this
41 payment..... \$ _____
42 2. Total amount required to be
43 withheld by law for amount in Line 1
44 (Federal and state
45 withholding, Social

1 Security, etc.)..... \$ _____
 2 3. Debtor’s disposable wages
 3 (Subtract Line 2
 4 from Line 1)..... \$ _____
 5 4. Normal exemption
 6 (Enter 75 percent
 7 of Line 3)..... \$ _____

8 [5. *Minimum exemption (check one)*
 9 — \$254 (payment of wages weekly)
 10 — \$509 (payment of wages every
 11 two weeks)
 12 — \$545 (payment of wages half-monthly)
 13 — \$1,090 (payment of wages monthly)
 14 — \$_____ (Any other period longer
 15 than one week, including partial
 16 payments for less than full pay
 17 period) (Multiply \$254 by number
 18 of weeks or fraction of a week)]

19 **5. Minimum exemption (check one)**
 20 **If you pay wages weekly:**
 21 — \$254, if the wages are payable before July 1, 2024
 22 — \$353, if the wages are payable on or after July 1, 2024, and before July 1, 2025
 23 — \$434, if the wages are payable on or after July 1, 2025, and before July 1, 2026
 24 — \$487, if the wages are payable on or after July 1, 2026, and before July 1, 2027
 25 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
 26 653.025 (1), multiplied by 40, if the wages are payable on or after July 1, 2027

27 **If you pay wages every two weeks:**
 28 — \$509, if the wages are payable before July 1, 2024
 29 — \$707, if the wages are payable on or after July 1, 2024, and before July 1, 2025
 30 — \$869, if the wages are payable on or after July 1, 2025, and before July 1, 2026
 31 — \$973, if the wages are payable on or after July 1, 2026, and before July 1, 2027
 32 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
 33 653.025 (1), multiplied by 80, if the wages are payable on or after July 1, 2027

34 **If you pay wages for a half-month period:**
 35 — \$545, if the wages are payable before July 1, 2024
 36 — \$766, if the wages are payable on or after July 1, 2024, and before July 1, 2025
 37 — \$941, if the wages are payable on or after July 1, 2025, and before July 1, 2026
 38 — \$1,054, if the wages are payable on or after July 1, 2026, and before July 1, 2027
 39 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
 40 653.025 (1), multiplied by 86.67, if the wages are payable on or after July 1, 2027

41 **If you pay wages monthly:**
 42 — \$1,090, if the wages are payable before July 1, 2024
 43 — \$1,532, if the wages are payable on or after July 1, 2024, and before July 1, 2025
 44 — \$1,883, if the wages are payable on or after July 1, 2025, and before July 1, 2026
 45 — \$2,109, if the wages are payable on or after July 1, 2026, and before July 1, 2027

- 1 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 2 653.025 (1), multiplied by 173.33, if the wages are payable on or after July 1, 2027
- 3 **If you pay wages for any other period longer than one week, including partial payments**
- 4 **for less than a full pay period:**
- 5 — \$254 multiplied by that fraction produced by dividing the number of days for which
- 6 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 7 ble before July 1, 2024
- 8 — \$353 multiplied by that fraction produced by dividing the number of days for which
- 9 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 10 ble on or after July 1, 2024, and before July 1, 2025
- 11 — \$434 multiplied by that fraction produced by dividing the number of days for which
- 12 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 13 ble on or after July 1, 2025, and before July 1, 2026
- 14 — \$487 multiplied by that fraction produced by dividing the number of days for which
- 15 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 16 ble on or after July 1, 2026, and before July 1, 2027
- 17 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 18 653.025 (1) multiplied by 40 and multiplied again by the number of weeks or fraction
- 19 of a week, if the wages are payable on or after July 1, 2027

- 20 6. Wages exempt from garnishment
- 21 (Line 4 or 5,
- 22 whichever is greater)..... \$ _____
- 23 7. Nonexempt wages
- 24 (Subtract Line 6
- 25 from Line 3)..... \$ _____
- 26 8. Amount withheld for this pay period
- 27 pursuant to a support order under
- 28 support withholding process or under
- 29 another writ with priority..... \$ _____
- 30 9. Wages subject to garnishment
- 31 (Subtract Line 8
- 32 from Line 7)..... \$ _____

INSTRUCTIONS FOR WAGE
EXEMPTION CALCULATION FORM

37 If you employ the Debtor named in the writ of garnishment, you must fill out and return this
38 Wage Exemption Calculation form. A Wage Exemption Calculation form must be sent with the first
39 payment you make under the writ. For the 90-day period during which the writ is effective, you must
40 also fill out and return a Wage Exemption Calculation form with a subsequent payment any time the
41 initial calculation changes. Finally, you must fill out and return a Wage Exemption Calculation form
42 with the final payment that you make under the writ.

44 Normal wage exemption. The wage exemption calculation is based on the amount of the payment
45 you make under the writ of garnishment. The normal wage exemption in Line 4 is 75 percent of the

1 employee's disposable wages in Line 3.

2
3 Minimum wage exemption. The minimum exemption in Line 5 is also based on the amount of the
4 payment you are making. The minimum exemption is designed to ensure that an employee receives
5 at least a certain minimum amount in any one-week period. If the payment is for a one-week period
6 (without regard to whether the period is a calendar week or any other seven-day period), the mini-
7 mum exemption is [*\$254*] **the amount specified in ORS 18.385 (2)(a)**. The minimum exemption is
8 [*\$509*] **the amount specified in ORS 18.385 (2)(b)** if the payment is for a two-week period. If the
9 payment is for one-half of one month (i.e., the Debtor is paid twice each month), the minimum ex-
10 emption is [*\$545*] **the amount specified in ORS 18.385 (2)(c)**. The minimum exemption for a
11 monthly payment is [*\$1,090*] **the amount specified in ORS 18.385 (2)(d)**.

12 If the payment you are making is based on some period of time other than one week, two weeks,
13 half month or month, and the payment is for more than one week, you must calculate the minimum
14 exemption by [*multiplying \$254 by*] **converting the minimum exemption for one week or less**
15 **provided for in ORS 18.385 (2)(a) to** the number of weeks covered by the paycheck, including any
16 fraction of a week. You should round the amount calculated to the nearest dollar.

17
18 [*Example 1: You pay Debtor A every 10 days. Each 10-day period is equal to 1.429 weeks (10*
19 *divided by 7). The minimum exemption is \$363 ($\254×1.429 rounded to the nearest dollar).]*

20
21 [*You must use this same calculation for computing the minimum exemption when making a payment*
22 *for less than a full pay period (e.g., for the final payment at the end of the 90-day period covered by*
23 *the writ).]*

24
25 [*Example 2: You pay Debtor A on a monthly basis. You are required to make a final payment*
26 *under a writ of garnishment for the wages owing to Debtor A for the period beginning October*
27 *1 and ending October 15. This period is equal to 2.143 weeks (15 divided by 7). The minimum*
28 *exemption is \$544 ($\254×2.143 rounded to the nearest dollar).]*

29
30 [*The amount of time actually worked by the Debtor during the period covered by the paycheck does*
31 *not affect the calculation of the minimum exemption.*]

32
33 [*Example 3: You pay Debtor A on a weekly basis. Debtor A works two days per week. The*
34 *minimum exemption is \$254 for each weekly payment you make for Debtor A.*]

35
36 [*If the payment you are making is based on a period of time less than one week, the minimum wage*
37 *exemption may not exceed \$254 for any one-week period.*]

38 **The amounts that are exempt from garnishment may change from year to year. You may**
39 **view updated garnishment exemption limitations on the Oregon Judicial Department website.**

40
41 If you receive more than one writ of garnishment. If you receive more than one writ of
42 garnishment for the same debtor, the writs have priority based on the date on which you receive
43 them. If the full amount of wages subject to garnishment for a given pay period is paid on the first
44 writ, you should not make any payment on subsequently received writs until the first writ expires.
45 In some cases, it may be necessary to make payments on two or more writs for the same pay period.

1 Example [4]: You have received two writs of garnishment for Debtor A. You pay Debtor A
2 on a monthly basis. The first writ expires on October 16. The second writ will not expire
3 until November 15. You will need to prepare two wage exemption calculation forms for
4 Debtor A's October wages and make payments under both writs. The wage exemption cal-
5 culation form for the first writ will be for the wages attributable to October 1 to October
6 15 [as described in Example 2]. The wage exemption calculation form for the second writ
7 will be for all wages for the month of October, but the amounts withheld under the first
8 writ must be subtracted on Line 8 to determine the October wages subject to garnishment
9 under the second writ.

10

11

12 **(2) If a writ of garnishment includes or is attached to a notice from a state or federal**
13 **child support agency or includes or is attached to an attestation that a debt arises out of a**
14 **judgment debtor's child support or spousal support obligation or a money award judgment**
15 **that includes restitution, the wage exemption calculation form described in subsection (1)**
16 **of this section must be modified to read as follows:**

17

18

19

WAGE EXEMPTION CALCULATION
(to be filled out by employers only)

20

21

22

1. Debtor's gross wages
for period covered by this
payment..... \$ _____

23

24

25

2. Total amount required to be
withheld by law for amount in Line 1
(Federal and state
withholding, Social
Security, etc.)..... \$ _____

26

27

28

29

30

3. Debtor's disposable wages
(Subtract Line 2
from Line 1) \$ _____

31

32

33

4. Normal exemption
(Enter 75 percent
of Line 3)..... \$ _____

34

35

36

5. Minimum exemption (check one)
___ \$254 (payment of wages weekly)
___ \$509 (payment of wages every two weeks)
___ \$545 (payment of wages half-monthly)
___ \$1,090 (payment of wages monthly)
___ \$_____ (Any other period longer than one
week, including partial payments for less
than full pay period) (Multiply \$254 by number
of weeks or fraction of a week)

37

38

39

40

41

42

43

44

45

6. Wages exempt from garnishment

- 1 (Line 4 or 5,
- 2 whichever is greater) \$ _____
- 3 7. Nonexempt wages
- 4 (Subtract Line 6
- 5 from Line 3) \$ _____
- 6 8. Amount withheld for this pay period
- 7 pursuant to a support order under
- 8 support withholding process or under
- 9 another writ with priority..... \$ _____
- 10 9. Wages subject to garnishment
- 11 (Subtract Line 8
- 12 from Line 7) \$ _____

13
14 **INSTRUCTIONS FOR WAGE**
15 **EXEMPTION CALCULATION FORM**

16 If you employ the Debtor named in the writ of garnishment, you must fill out and return
17 this Wage Exemption Calculation form. A Wage Exemption Calculation form must be sent
18 with the first payment you make under the writ. For the 90-day period during which the writ
19 is effective, you must also fill out and return a Wage Exemption Calculation form with a
20 subsequent payment any time the initial calculation changes. Finally, you must fill out and
21 return a Wage Exemption Calculation form with the final payment that you make under the
22 writ.

23
24 Normal wage exemption. The wage exemption calculation is based on the amount of the
25 payment you make under the writ of garnishment. The normal wage exemption in Line 4 is
26 75 percent of the employee’s disposable wages in Line 3.

27
28 Minimum wage exemption. The minimum exemption in Line 5 is also based on the
29 amount of the payment you are making. The minimum exemption is designed to ensure that
30 an employee receives at least a certain minimum amount in any one-week period. If the
31 payment is for a one-week period (without regard to whether the period is a calendar week
32 or any other seven-day period), the minimum exemption is \$254. The minimum exemption is
33 \$509 if the payment is for a two-week period. If the payment is for one-half of one month
34 (i.e., the Debtor is paid twice each month), the minimum exemption is \$545. The minimum
35 exemption for a monthly payment is \$1,090.

36 If the payment you are making is based on some period of time other than one week, two
37 weeks, half month or month, and the payment is for more than one week, you must calculate
38 the minimum exemption by multiplying \$254 by the number of weeks covered by the pay-
39 check, including any fraction of a week. You should round the amount calculated to the
40 nearest dollar.

41
42 Example 1: You pay Debtor A every 10 days. Each 10-day period is equal to 1.429
43 weeks (10 divided by 7). The minimum exemption is \$363 (\$254 × 1.429 rounded to the
44 nearest dollar).

1 You **must** use this same calculation for computing the minimum exemption when making
2 a payment for less than a full pay period (e.g., for the final payment at the end of the 90-day
3 period covered by the writ).

4
5 **Example 2:** You pay Debtor A on a monthly basis. You are required to make a final
6 payment under a writ of garnishment for the wages owing to Debtor A for the period
7 beginning October 1 and ending October 15. This period is equal to 2.143 weeks (15
8 divided by 7). The minimum exemption is \$544 ($\254×2.143 rounded to the nearest
9 dollar).

10
11 The amount of time actually worked by the Debtor during the period covered by the
12 paycheck does **not** affect the calculation of the minimum exemption.

13
14 **Example 3:** You pay Debtor A on a weekly basis. Debtor A works two days per week.
15 The minimum exemption is \$254 for each weekly payment you make for Debtor A.

16
17 If the payment you are making is based on a period of time less than one week, the
18 minimum wage exemption may not exceed \$254 for any one-week period.

19
20 **If you receive more than one writ of garnishment.** If you receive more than one writ of
21 garnishment for the same debtor, the writs have priority based on the date on which you
22 receive them. If the full amount of wages subject to garnishment for a given pay period is
23 paid on the first writ, you should not make any payment on subsequently received writs until
24 the first writ expires. In some cases, it may be necessary to make payments on two or more
25 writs for the same pay period.

26
27 **Example 4:** You have received two writs of garnishment for Debtor A. You pay Debtor
28 A on a monthly basis. The first writ expires on October 16. The second writ will not
29 expire until November 15. You will need to prepare two wage exemption calculation
30 forms for Debtor A's October wages and make payments under both writs. The wage
31 exemption calculation form for the first writ will be for the wages attributable to
32 October 1 to October 15 as described in Example 2. The wage exemption calculation
33 form for the second writ will be for all wages for the month of October, but the
34 amounts withheld under the first writ must be subtracted on Line 8 to determine the
35 October wages subject to garnishment under the second writ.

36
37
38 **SECTION 17.** ORS 18.845 is amended to read:

39 18.845. **Except as provided in section 19 of this 2024 Act,** a notice of exemptions form must
40 be in substantially the form set forth in this section. Nothing in the notice form described in this
41 section is intended to expand or restrict the law relating to exempt property. A determination as
42 to whether property is exempt from execution, attachment and garnishment must be made by refer-
43 ence to other law. The form provided in this section may be modified to provide more information
44 or to update the notice based on subsequent changes in exemption laws.

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NOTICE OF EXEMPT PROPERTY
AND INSTRUCTIONS FOR
CHALLENGE TO GARNISHMENT

Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers are enclosed.

YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

State and federal law specify that certain property may not be taken. Some of the property that you may be able to get back is listed below.

[(1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following amounts is greater:]

(1) Your disposable earnings, as described in ORS 18.375 and 18.385, in an amount that does not exceed the greater of:

- (a) 75 percent of your take-home wages; or
- (b) ~~[\$254]~~ **The amount specified in ORS 18.385 (2)(a)**, per workweek.
- (2) Social Security benefits.
- (3) Supplemental Security Income (SSI).
- (4) Public assistance (welfare).
- (5) Unemployment benefits.
- (6) Disability benefits (other than SSI benefits).
- (7) Workers' compensation benefits.

(8) All Social Security benefits and Supplemental Security Income benefits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are held in a bank account. You may attach copies of bank statements to the Challenge to Garnishment form if you claim this exemption.

(9) Spousal support, child support or separate maintenance to the extent reasonably necessary for your support or the support of any of your dependents.

(10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied by your spouse, parent or child. Up to ~~[\$40,000]~~ **\$150,000** of the value of the homestead is exempt. If you jointly own the homestead with another person who is also liable on the debt, up to ~~[\$50,000]~~ **\$300,000** of the value of the homestead is exempt.

(11) Proceeds from the sale of a homestead described in item 10, up to the limits described in item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure another homestead.

(12) Household goods, furniture, radios, a television set and utensils with a combined value not to exceed \$3,000.

[(13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.]

***(13) A vehicle, including an automobile, truck, trailer, truck and trailer or other motor vehicle, with a value not to exceed \$10,000.**

*(14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your occupation, with a combined value not to exceed \$5,000.

*(15) Books, pictures and musical instruments with a combined value not to exceed \$600.

1 *(16) Wearing apparel, jewelry and other personal items with a combined value not to exceed
2 \$1,800.

3 (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000
4 and their food for 60 days.

5 (18) Provisions and fuel for your family for 60 days.

6 (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt
7 may not exceed \$1,000.

8 (20) Public or private pensions.

9 (21) Veterans' benefits and loans.

10 (22) Medical assistance benefits.

11 (23) Health insurance proceeds and disability proceeds of life insurance policies.

12 (24) Cash surrender value of life insurance policies not payable to your estate.

13 (25) Federal annuities.

14 (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same ex-
15 emption as wages).

16 ***(27) Up to \$2,500 in all of the accounts you hold in a financial institution to the extent**
17 **that such amounts are exempt under ORS 18.785.**

18 [(27)] **(28)** Professionally prescribed health aids for you or any of your dependents.

19 ***(28)** **(29)** Rental assistance to an elderly person allowed pursuant to ORS 458.375.

20 [(29)] **(30)** Your right to receive, or property traceable to:

21 (a) An award under any crime victim reparation law.

22 (b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily in-
23 jury suffered by you or an individual of whom you are a dependent.

24 (c) A payment in compensation of loss of future earnings of you or an individual of whom you
25 are or were a dependent, to the extent reasonably necessary for your support and the support of
26 any of your dependents.

27 [(30)] **(31)** Amounts paid to you as an earned income tax credit under federal tax law.

28 [(31)] **(32)** Your right to the assets held in, or right to receive payments under, a medical savings
29 account or health savings account authorized under section 220 or 223 of the Internal Revenue
30 Code.

31 ***(32)** **(33)** Interest in personal property to the value of \$400, but this cannot be used to increase
32 the amount of any other exemption.

33 [(33)] **(34)** Equitable interests in property.

34 [(34)] **(35)** Security deposits or prepaid rent held by a residential landlord under ORS 90.300.

35 [(35)] **(36)** If the amount shown as owing on the Debt Calculation form exceeds the amount you
36 actually owe to the creditor, the difference between the amount owed and the amount shown on the
37 Debt Calculation form.

38 [(36)] **(37)** Amounts paid to you as a tax credit under ORS 315.273.

39
40 Note: If two or more people in your household owe the claim or judgment, each of them may
41 claim the exemptions marked by an asterisk (*).

42
43
44 **Note: The amounts specified as limitations on exemptions in this form may change as a**
45 **result of changes in the Consumer Price Index for All Urban Consumers, West Region (All**

1 **Items), as published by the Bureau of Labor Statistics of the United States Department of**
 2 **Labor or a successor agency. You may view updated garnishment exemption limitations on**
 3 **the Oregon Judicial Department website.**

4
 5
 6 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND
 7 SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt
 8 may be taken to pay for overdue support. For instance, Social Security benefits, workers' compen-
 9 sation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but
 10 only 50 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support
 11 obligation.

12
 13 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.
 14 You may seek to reclaim your exempt property by doing the following:

15 (1) Fill out the Challenge to Garnishment form that you received with this notice.

16 (2) Mail or deliver the Challenge to Garnishment form to the court administrator at the address
 17 shown on the writ of garnishment, and mail or deliver a copy of the form to the Garnishor at the
 18 address shown on the writ of garnishment. If you wish to claim wages or salary as exempt, you must
 19 mail or deliver the form within 120 days after you receive this notice. If you wish to claim that any
 20 other money or property is exempt, or claim that the property is not subject to garnishment, you
 21 must mail or deliver the form within 30 days after you receive this notice. You have the burden of
 22 showing that your challenge is made on time, so you should keep records showing when the chal-
 23 lenge was mailed or delivered.

24 (3) The law only requires that the Garnishor hold the garnished money or property for 10 days
 25 before applying it to the Creditor's use. You may be able to keep the property from being used by
 26 the Creditor by promptly following (1) and (2) above.

27
 28 You should be prepared to explain your exemption in court. If you have any questions about the
 29 garnishment or the debt, you should see an attorney.

30 YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM ONLY FOR THE FOLLOW-
 31 ING PURPOSES:

32 (1) To claim such exemptions from garnishment as are permitted by law.

33 (2) To assert that property is not garnishable property under ORS 18.618.

34 (3) To assert that the amount specified in the writ of garnishment as being subject to
 35 garnishment is greater than the total amount owed.

36
 37 YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM TO CHALLENGE THE
 38 VALIDITY OF THE DEBT.

39 IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD FAITH, YOU MAY BE SUB-
 40 JECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties
 41 that you could be subject to are listed in ORS 18.715.

42 When you file a Challenge to Garnishment form, the Garnishee may be required to make all
 43 payments under the garnishment to the court, and the Garnishor may be required to pay to the
 44 court all amounts received by the Garnishor that are subject to the challenge to the garnishment.
 45 The Garnishee and Garnishor are subject to penalties if they do not. For a complete explanation of

1 their responsibilities, see ORS 18.705 and 18.708.

2
3
4 **SECTION 18.** Section 19 of this 2024 Act is added to and made a part of ORS 18.600 to
5 18.850.

6 **SECTION 19.** If a judgment debtor’s debt arises out of a child support or spousal support
7 obligation or a money award judgment that includes restitution, a notice of exemptions form
8 must be in substantially the form set forth in this section. The notice form described in this
9 section does not expand or restrict the law relating to exempt property. A determination as
10 to whether property is exempt from execution, attachment and garnishment must be made
11 by reference to other law. The form provided in this section may be modified to provide more
12 information or to update the notice based on subsequent changes in exemption laws.

13
14
15 **NOTICE OF EXEMPT PROPERTY**
16 **AND INSTRUCTIONS FOR**
17 **CHALLENGE TO GARNISHMENT**

18 **Property belonging to you may have been taken or held in order to satisfy a debt that**
19 **arises out of a child support or spousal support obligation or from a money award judgment**
20 **that includes restitution. The debt may be reflected in a judgment or in a warrant or order**
21 **issued by a state agency. Important legal papers are enclosed.**

22 **YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE**
23 **CAREFULLY.**

24 **State and federal law specify that certain property may not be taken. Some of the prop-**
25 **erty that you may be able to get back is listed below.**

26 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385, in an amount that**
27 **does not exceed the greater of:**

- 28 **(a) 75 percent of your take-home wages; or**
- 29 **(b) \$254 per workweek.**
- 30 **(2) Social Security benefits.**
- 31 **(3) Supplemental Security Income (SSI).**
- 32 **(4) Public assistance (welfare).**
- 33 **(5) Unemployment benefits.**
- 34 **(6) Disability benefits (other than SSI benefits).**
- 35 **(7) Workers’ compensation benefits.**

36 **(8) All Social Security benefits and Supplemental Security Income benefits, and up to**
37 **\$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability**
38 **benefits, that are held in a bank account. You may attach copies of bank statements to the**
39 **Challenge to Garnishment form if you claim this exemption.**

40 **(9) Spousal support, child support or separate maintenance to the extent reasonably**
41 **necessary for your support or the support of any of your dependents.**

42 **(10) A homestead (house, manufactured dwelling or floating home) occupied by you, or**
43 **occupied by your spouse, parent or child. Up to \$40,000 of the value of the homestead is ex-**
44 **empt. If you jointly own the homestead with another person who is also liable on the debt,**
45 **up to \$50,000 of the value of the homestead is exempt.**

1 (11) Proceeds from the sale of a homestead described in item 10, up to the limits de-
 2 scribed in item 10, if you hold the proceeds for less than one year and intend to use those
 3 proceeds to procure another homestead.

4 (12) Household goods, furniture, radios, a television set and utensils with a combined
 5 value not to exceed \$3,000.

6 *(13) A vehicle, including an automobile, truck, trailer, truck and trailer or other motor
 7 vehicle, with a value not to exceed \$3,000.

8 *(14) Tools, implements, apparatus, team, harness or library that are necessary to carry
 9 on your occupation, with a combined value not to exceed \$5,000.

10 *(15) Books, pictures and musical instruments with a combined value not to exceed \$600.

11 *(16) Wearing apparel, jewelry and other personal items with a combined value not to
 12 exceed \$1,800.

13 (17) Domestic animals and poultry for family use with a combined value not to exceed
 14 \$1,000 and their food for 60 days.

15 (18) Provisions and fuel for your family for 60 days.

16 (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as
 17 exempt may not exceed \$1,000.

18 (20) Public or private pensions.

19 (21) Veterans' benefits and loans.

20 (22) Medical assistance benefits.

21 (23) Health insurance proceeds and disability proceeds of life insurance policies.

22 (24) Cash surrender value of life insurance policies not payable to your estate.

23 (25) Federal annuities.

24 (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same
 25 exemption as wages).

26 (27) Professionally prescribed health aids for you or any of your dependents.

27 *(28) Rental assistance to an elderly person allowed pursuant to ORS 458.375.

28 (29) Your right to receive, or property traceable to:

29 (a) An award under any crime victim reparation law.

30 (b) A payment or payments, not exceeding a total of \$10,000, on account of personal
 31 bodily injury suffered by you or an individual of whom you are a dependent.

32 (c) A payment in compensation of loss of future earnings of you or an individual of whom
 33 you are or were a dependent, to the extent reasonably necessary for your support and the
 34 support of any of your dependents.

35 (30) Amounts paid to you as an earned income tax credit under federal tax law.

36 (31) Your right to the assets held in, or right to receive payments under, a medical
 37 savings account or health savings account authorized under section 220 or 223 of the Internal
 38 Revenue Code.

39 *(32) Interest in personal property to the value of \$400, but this cannot be used to in-
 40 crease the amount of any other exemption.

41 (33) Equitable interests in property.

42 (34) Security deposits or prepaid rent held by a residential landlord under ORS 90.300.

43 (35) If the amount shown as owing on the Debt Calculation form exceeds the amount you
 44 actually owe to the creditor, the difference between the amount owed and the amount shown
 45 on the Debt Calculation form.

1 **(36) Amounts paid to you as a tax credit under ORS 315.273.**

2
 3 **Note: If two or more people in your household owe the claim or judgment, each of them**
 4 **may claim the exemptions marked by an asterisk (*).**

5
 6
 7 **SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND**
 8 **SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against**
 9 **the debt may be taken to pay for overdue support. For instance, Social Security benefits,**
 10 **workers' compensation benefits, unemployment benefits, veterans' benefits and pensions are**
 11 **normally exempt, but only 50 percent of a lump sum payment of these benefits is exempt if**
 12 **the debt is owed for a support obligation.**

13
 14 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY**
 15 **BACK. You may seek to reclaim your exempt property by doing the following:**

16 **(1) Fill out the Challenge to Garnishment form that you received with this notice.**

17 **(2) Mail or deliver the Challenge to Garnishment form to the court administrator at the**
 18 **address shown on the writ of garnishment, and mail or deliver a copy of the form to the**
 19 **Garnishor at the address shown on the writ of garnishment. If you wish to claim wages or**
 20 **salary as exempt, you must mail or deliver the form within 120 days after you receive this**
 21 **notice. If you wish to claim that any other money or property is exempt, or claim that the**
 22 **property is not subject to garnishment, you must mail or deliver the form within 30 days**
 23 **after you receive this notice. You have the burden of showing that your challenge is made**
 24 **on time, so you should keep records showing when the challenge was mailed or delivered.**

25 **(3) The law only requires that the Garnishor hold the garnished money or property for**
 26 **10 days before applying it to the Creditor's use. You may be able to keep the property from**
 27 **being used by the Creditor by promptly following (1) and (2) above.**

28
 29 **You should be prepared to explain your exemption in court. If you have any questions**
 30 **about the garnishment or the debt, you should see an attorney.**

31 **YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM ONLY FOR THE FOL-**
 32 **LOWING PURPOSES:**

33 **(1) To claim such exemptions from garnishment as are permitted by law.**

34 **(2) To assert that property is not garnishable property under ORS 18.618.**

35 **(3) To assert that the amount specified in the writ of garnishment as being subject to**
 36 **garnishment is greater than the total amount owed.**

37
 38 **YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM TO CHALLENGE**
 39 **THE VALIDITY OF THE DEBT.**

40 **IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD FAITH, YOU MAY BE**
 41 **SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE.**
 42 **Penalties that you could be subject to are listed in ORS 18.715.**

43 **When you file a Challenge to Garnishment form, the Garnishee may be required to make**
 44 **all payments under the garnishment to the court, and the Garnishor may be required to pay**
 45 **to the court all amounts received by the Garnishor that are subject to the challenge to the**

1 **garnishment. The Garnishee and Garnishor are subject to penalties if they do not. For a**
2 **complete explanation of their responsibilities, see ORS 18.705 and 18.708.**

3 _____
4
5 **SECTION 20.** ORS 18.847 is amended to read:

6 18.847. The notice given by a financial institution to a debtor under ORS 18.785 [(1)] (3) must
7 be in substantially the following form:
8 _____

9
10 _____
11 _____
12 _____
13 (Name, address of financial institution)

14
15 **IMPORTANT INFORMATION ABOUT**
16 **YOUR ACCOUNT**

17 Date: _____
18 Notice to: _____
19 Account Number: _____

20
21
22 Why am I receiving this notice?

23
24 On _____ [date on which garnishment order was served], _____ [name of financial
25 institution] received a garnishment order from a court to garnish funds in your account. The amount
26 of the garnishment order was for \$_____ [amount of garnishment order]. We are sending you this
27 notice to let you know what we have done in response to the garnishment order.
28

29 What is garnishment?

30
31 Garnishment is a legal process that allows a creditor to remove funds from your bank/credit
32 union account to satisfy a debt that you have not paid. In other words, if you owe money to a person
33 or company, they can obtain a court order directing your bank/credit union to take money out of
34 your account to pay off your debt. If this happens, you cannot use that money in your account.
35

36 What has happened to my account?

37
38 **An amount specified by the Oregon Judicial Department is protected by law from**
39 **garnishment under ORS 18.785. As of the date of this notice, that amount is**
40 **_____.** This means you have access to up to this amount from any and all of the
41 **accounts you have with us. If you owe a debt that arises out of a child support or spousal**
42 **support obligation or a money award judgment that includes restitution, the protected**
43 **amount might be less than the amount the Oregon Judicial Department has specified. If your**
44 **accounts with us have a total amount that exceeds the amount the Oregon Judicial Depart-**
45 **ment has specified, we must research your account to determine whether certain payments**

1 **you might have received were made to your accounts in the previous two months. The**
2 **amount of those payments might be protected from garnishment.**

3 **_____ (check if applicable)** On _____ [date of account review], we researched your
4 account and identified that one or more payments identified by ORS [18.784 (1)] **18.785 (2)(c)** have
5 been deposited in the last two months (see below for a list of qualifying payments). In most cases,
6 these payments are protected from garnishment. As required by state and federal regulations,
7 therefore, we have established a “protected amount” of funds that will remain available to you and
8 that will not be frozen or removed from your account in response to the garnishment order.

9
10 (Conditional paragraph if funds have been frozen)

11
12 _____ (check if applicable) Your account contained additional money that may not be protected
13 from garnishment. As required by law, we have placed a hold on or removed these funds in the
14 amount of \$_____ [amount frozen] and may have to turn these funds over to your creditor as
15 directed by the garnishment order.

16
17 The chart below summarizes this information about your account(s):

18
19 ACCOUNT SUMMARY AS OF _____ [DATE OF ACCOUNT REVIEW]

Account Number	Amount in Account	Amount Protected
_____	_____	_____
_____	_____	_____

21
22
23
24
25
26
27
28 Amount
29 Subject to
30 Garnish-
31 ment (now Garnish-
32 frozen/ ment Fee
33 removed) Charged
34
35
36

37 (If the account holder has multiple accounts, use a separate row for each account)

38
39 Please note that these amount(s) may be affected by deposits or withdrawals after the protected
40 amount was calculated on _____ (date of garnishment account review).

41
42 Do I need to do anything to access my protected funds?

43
44 You may use the protected amount of money in your account as you normally would.
45

1 There is nothing else you need to do to make sure that the protected amount is safe.

2
3 Who garnished my account?

4
5 The creditor who obtained a garnishment order against you is _____ (name of credi-
6 tor).

7
8 What types of benefit payments are protected from garnishment?

9
10 In most cases, you have protections from garnishment if the funds in your account include one
11 or more of the following benefit payments:

- 12
- 13 • Social Security benefits
- 14 • Supplemental Security Income benefits
- 15 • Veterans' benefits
- 16 • Railroad retirement benefits
- 17 • Railroad Unemployment Insurance benefits
- 18 • Civil Service Retirement System benefits
- 19 • Federal Employees Retirement System benefits
- 20 • Payments from a public or private retirement plan as defined in ORS 18.358
- 21 • Public assistance or medical assistance, as defined in ORS 414.025, from the State of Oregon
- 22 or an agency of the State of Oregon
- 23 • Unemployment compensation payments from the State of Oregon or an agency of the State
- 24 of Oregon
- 25 • Black lung benefits payments from the United States Department of Labor
- 26 • Workers' compensation payments from a workers' compensation carrier

27
28 What should I do if I think that additional funds in my account are from protected benefit payments?

29
30 If you believe that funds in your account(s) should not have been frozen or removed, there are
31 several things you can do:

32
33 You can fill out a Challenge to Garnishment form and submit it to the court.

34 You may contact the creditor that garnished your account and explain that funds are from
35 protected benefit payments and should be released to you. The creditor may be contacted at
36 _____ (address of creditor).

37 You may consult an attorney to help you prove to the creditor that garnished your account that
38 additional funds are from protected benefit payments and cannot be taken. For information about
39 how to find an attorney, contact the Oregon State Bar's Lawyer Referral Service at (800) 452-7636
40 or go online to www.oregonlawhelp.org.

41
42 This notice contains all the information that we have about the garnishment order. However,
43 if you have a question about your account, you may contact us at _____ (telephone
44 number of financial institution).

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SECTION 21. ORS 18.854 is amended to read:

18.854. (1) Any state agency authorized to issue warrants to collect taxes and debts owed to the State of Oregon, including but not limited to warrants issued pursuant to ORS 179.655, 184.644, 267.385, 293.250, 314.430, 316.207, 320.080, 321.570, 323.390, 411.703, 651.065, 657.396, 657.642, 657.646, 705.175 and 825.504, or any county tax collector authorized to issue warrants to collect taxes and debts owed to the county pursuant to ORS 311.625, may garnish property of a debtor in the possession, control or custody of a person other than the debtor by delivering to the person all of the following:

- (a) A notice of garnishment;
- (b) A warrant, or a true copy of a warrant;
- (c) The items specified in ORS 18.650 (1)(b) to (d); and
- (d) Any garnishee's search fee payable as provided in ORS 18.790.

(2) A notice of garnishment may be issued by any person designated by the state agency or by the county tax collector. A warrant need not be recorded in the County Clerk Lien Record as a condition of issuing a notice of garnishment under the provisions of this section. The provisions of ORS 18.800 do not apply to a notice of garnishment.

(3) If any of the items described in subsection (1) of this section are not delivered to the garnishee, a notice of garnishment shall not be effective to garnish any property of the debtor, and the garnishee shall not be required to respond to the garnishment and may proceed to deal with any property of the debtor as though the notice of garnishment had not been issued.

(4)(a) Notwithstanding ORS 18.652, but subject to paragraph (c) of this subsection, a notice of garnishment and the other items required by subsection (1) of this section may be delivered in person to the garnishee by any employee of the state agency or of the county tax collector who is authorized by the agency or the county to deliver the notice of garnishment, may be mailed to the garnishee by first class or certified mail or may be sent to the garnishee by other means if the garnishee has agreed to a different delivery method.

(b) An employee who delivers documents under paragraph (a) of this subsection need not be covered by the errors and omissions insurance required in ORS 18.652.

(c) A state agency or a county may not seek sanctions against a noncomplying garnishee under ORS 18.775 unless the notice of garnishment and the other items required by subsection (1) of this section are personally delivered to the garnishee under paragraph (a) of this subsection or mailed to the garnishee by certified mail.

(5) Notwithstanding any provision of ORS 18.600 to 18.850, a debt calculation form need not be prepared or delivered for any notice of garnishment.

(6) Notwithstanding ORS 18.792, the duty of a garnishee to deliver any property of the debtor that may be contained in a safe deposit box that is in the garnishee's possession, control or custody at the time of delivery of the notice of garnishment to the garnishee is conditioned upon the state agency or the county tax collector first paying to the garnishee, in addition to the search fee provided for in ORS 18.790, all reasonable costs incurred by the garnishee in gaining entry to the safe deposit box. The costs shall be paid to the garnishee by the state agency or the county tax collector at least five days before the date the state agency or the county tax collector takes possession of the property in the safe deposit box. If the state agency or the county tax collector fails to pay such costs to the garnishee within 20 days after the delivery of the garnishee response, the garnishment shall not be effective to garnish any property of the debtor that may be contained in the safe deposit

1 box and the garnishee may proceed to deal with the safe deposit box and its contents as though the
2 notice of garnishment had not been issued. Nothing in this subsection limits the rights of a state
3 agency or county tax collector to reach the contents of any safe deposit box in any manner other-
4 wise provided by law.

5 (7) Except as provided in this section and ORS 18.855 and 18.857, all provisions of ORS 18.600
6 to 18.850 apply to notices of garnishment. The state agency or county tax collector shall modify the
7 forms provided in ORS 18.600 to 18.850 as necessary to allow use of those forms for notices of
8 garnishment. The form of the notice of garnishment must clearly indicate that the document is a
9 notice of garnishment and must reflect the date of all warrants on which the notice of garnishment
10 is based.

11 (8) The Attorney General may adopt **without a rulemaking proceeding** model forms for notices
12 of garnishment and other documents issued by state agencies and county tax collectors under this
13 section and ORS 18.855 and 18.857. There is a presumption, as described in ORS 40.120, that any
14 state agency or county tax collector that uses a model form adopted by the Attorney General under
15 this subsection has complied with the requirements of ORS 18.600 to 18.850, and with the provisions
16 of this section and ORS 18.855 and 18.857, with respect to the form of notices of garnishment.

17 **SECTION 22.** ORS 18.855 is amended to read:

18 18.855. (1) Notwithstanding ORS 18.607, a notice of garnishment issued by a state agency need
19 not contain the name of a court whose authority is invoked.

20 (2) State agencies shall make such modifications as are necessary in the wage exemption cal-
21 culation form provided by ORS 18.840 if a notice of garnishment is issued for a debt due for a state
22 tax that is subject to the provisions of ORS 18.385 [(6)] (8).

23 (3) Notwithstanding ORS 18.625, but subject to ORS 18.618 (2), a notice of garnishment issued
24 by a state agency acts to garnish all wages earned by the debtor by reason of services to the
25 garnishee until the full amount of the debt is paid or until the notice of garnishment is released by
26 the state agency or by court order. A notice of garnishment issued by a state agency must contain
27 language reasonably designed to notify the garnishee of the provisions of this subsection.

28 (4) Notwithstanding ORS 18.690, a garnishee who receives a notice of garnishment issued by a
29 state agency need not deliver a copy of the garnishee response to the clerk of the court, but must
30 deliver the original of the response to the state agency.

31 (5) Notwithstanding ORS 18.700, a challenge to a notice of garnishment issued by a state agency
32 must be delivered in person or by first class mail to the state agency within the time specified by
33 ORS 18.700 (2). Upon receiving a challenge, the state agency shall provide notice of the challenge
34 in the manner provided by ORS 18.702. Upon a sheriff receiving notice under ORS 18.702, the sheriff
35 shall proceed as provided by ORS 18.760, except that upon determination of the challenge by an
36 administrative law judge, the sheriff shall proceed as directed by the judge. Within 14 days after
37 receiving the challenge, the state agency must either concede the challenge or give the person
38 making the challenge opportunity for hearing. If the person making the challenge requests a hearing,
39 the agency shall immediately refer the challenge to the Office of Administrative Hearings estab-
40 lished under ORS 183.605. The hearing shall be conducted as soon as possible. Notwithstanding ORS
41 183.315, the hearing shall be conducted as a contested case hearing. An issue that was decided in
42 a previous hearing, or for which the debtor was previously afforded an opportunity for hearing, may
43 not be reconsidered.

44 (6) If a state agency is issuing a notice of garnishment for collection of a state tax, and the state
45 agency has reason to believe that the debtor intends to leave the state or do any other act that

1 would jeopardize collection of the tax, the state agency may issue a special notice of garnishment.
 2 Any earnings, as defined in ORS 18.375, garnished under a special notice of garnishment are not
 3 subject to a claim of exemption under ORS 18.385. A special notice of garnishment issued under this
 4 subsection garnishes only that property of the debtor that is in the garnishee's possession, control
 5 or custody at the time the special notice is delivered, including debts not yet due, and all wages
 6 owed by the garnishee to the debtor at the time the special notice is delivered. A special notice of
 7 garnishment does not act to garnish wages earned by the debtor by reason of services rendered to
 8 the garnishee after the delivery of the special notice of garnishment.

9 (7) A special notice of garnishment issued under subsection (6) of this section shall contain a
 10 statement indicating that it is a special notice of garnishment under subsection (6) of this section
 11 and a statement reflecting the provisions of subsection (6) of this section. Notwithstanding ORS
 12 18.854 (1), a wage exemption calculation form shall not be delivered to the garnishee with a special
 13 notice of garnishment.

14 (8) Notwithstanding ORS 18.854 (1)(b), the Department of Revenue is not required to deliver a
 15 warrant or true copy of a warrant with the notice of garnishment when garnishing property of a
 16 debtor.

17 (9) Notwithstanding ORS 18.607 (4):

18 (a) A notice of garnishment issued by the Department of Revenue must include the name of the
 19 person issuing the notice on behalf of the department, but need not be signed by that person.

20 (b) A notice of garnishment related to the overpayment of medical assistance as defined in ORS
 21 414.025, or public assistance as defined in ORS 411.010, issued by the Department of Human Services
 22 or the Oregon Health Authority must include the name of the person issuing the notice on behalf
 23 of the department or authority, but need not be signed by that person.

24 **SECTION 23.** ORS 18.888 is amended to read:

25 18.888. (1) After levying on property, a sheriff shall mail or deliver a copy of the writ of exe-
 26 cution to each judgment debtor. If the writ is issued pursuant to an in rem judgment against per-
 27 sonal property, the sheriff shall mail or deliver a copy of the writ to the person from whom the
 28 property was seized. If the writ is issued pursuant to an in rem judgment against real property, the
 29 sheriff shall mail or deliver a copy of the writ to the occupants of the property. The sheriff shall
 30 mail the copy of the writ to the addresses included in the instructions to the sheriff. If the judgment
 31 creditor has not provided an address for a person, the sheriff need not mail a copy of the writ to
 32 the person.

33 (2) If the sheriff has levied on intangible property, in addition to the copy of the writ required
 34 under subsection (1) of this section, the sheriff shall mail or deliver to the persons described in
 35 subsection (1) of this section a copy of the notice of levy filed with the court pursuant to ORS 18.878
 36 (1)(d).

37 (3) Unless the writ directs the sheriff to sell or deliver specific real or personal property pur-
 38 suant to the terms of the judgment, in addition to the copy of the writ required under subsection (1)
 39 of this section the sheriff shall mail or deliver to each judgment debtor:

40 (a) A copy of the notice of levy or a statement of the date and time of the levy; and

41 (b) A challenge to execution form as provided by ORS 18.896 **or section 27 of this 2024 Act,**
 42 **as appropriate.**

43 **SECTION 24.** ORS 18.892 is amended to read:

44 18.892. (1) Except as provided in subsection (2) of this section, a judgment debtor may use a
 45 challenge to execution form only:

1 (a) To claim such exemptions under a writ of execution as are permitted by law; and

2 (b) To assert that the amount specified in the writ of execution as being subject to execution
3 is greater than the amount owed by the judgment debtor under the money award.

4 (2) A judgment debtor may not use a challenge to execution form to challenge execution on
5 residential property of the debtor as defined by ORS 18.901 if the judgment creditor has obtained
6 an order under ORS 18.904 authorizing the sale or if the judgment directs the sale or delivery of
7 specific property.

8 (3) Any person other than a judgment debtor who has an interest in any property levied on by
9 a sheriff may assert that interest by delivering a challenge to execution in the manner provided by
10 subsection (4) of this section.

11 (4) A person may make a challenge to a writ of execution by completing the challenge to exe-
12 cution form provided in ORS 18.896 **or section 27 of this 2024 Act, as appropriate**, or a substan-
13 tially similar form, and by delivering, in person or by first class mail, the original of the completed
14 form to the court administrator for the court identified in the writ of execution and a copy of the
15 challenge to the judgment creditor. Upon receiving a copy of the challenge, the judgment creditor
16 shall promptly notify the sheriff of the challenge.

17 (5) A challenge to execution must be delivered in the manner provided by subsection (4) of this
18 section within 30 days after the property is levied on as described in ORS 18.878 or before the
19 property is sold on execution, whichever occurs first.

20 **SECTION 25.** ORS 18.896 is amended to read:

21 18.896. (1) The challenge to execution form described in this section does not expand or restrict
22 the law relating to exempt property. A determination as to whether property is exempt from at-
23 tachment or execution must be made by reference to other law. The form provided in this section
24 may be modified to provide more information or to update the notice based on subsequent changes
25 in exemption laws.

26 (2) **Except as provided in section 27 of this 2024 Act**, a challenge to execution form must be
27 in substantially the following form:

28

29

30 _____ COURT

31 COUNTY OF _____

32

33 _____) CHALLENGE TO

34 Plaintiff,) EXECUTION

35)

36 vs.) Case No. _____

37)

38 _____)

39 Defendant.)

40

41 THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING PURPOSES:

42 (1) To claim such exemptions from execution as are permitted by law.

43 (2) To assert that the amount specified in the writ of execution as being subject to execution is
44 greater than the total amount owed.

1 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM
2 AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

3
4 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

5
6 I/We claim that the following described property or money is exempt from execution:
7 _____
8 _____
9 _____

10
11
12 I/We believe this property is exempt from execution because (the Notice of Exempt Property at
13 the end of this form describes most types of property that you can claim as exempt from execution):
14 _____
15 _____
16 _____

17
18
19 I am a person other than the Debtor and I have the following interest in the property:
20 _____
21 _____
22 _____
23 _____
24 _____

25 Name _____ Name _____
26 Signature _____ Signature _____
27 Address _____ Address _____
28 _____
29 Telephone Telephone
30 Number _____ Number _____
31 (Required) (Required)

32
33
34 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.**

35 You may seek to reclaim your exempt property by doing the following:

- 36 (1) Fill out the Challenge to Execution form that you received with this notice.
- 37 (2) Mail or deliver the Challenge to Execution form to the court administrator at the address
38 shown on the writ of execution.
- 39 (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor at the
40 address shown on the writ of execution.

41 You should be prepared to explain your exemption in court. If you have any questions about the
42 execution or the debt, you should see an attorney.
43

44 **YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLOWING**
45 **PURPOSES:**

1 (1) To claim such exemptions from execution as are permitted by law.

2 (2) To assert that the amount specified in the writ of execution as being subject to execution is
3 greater than the total amount owed.

4
5 YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE
6 VALIDITY OF THE DEBT.

7
8 IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES
9 IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject
10 to are listed in ORS 18.899.

11
12 NOTICE OF EXEMPT PROPERTY

13
14 Property belonging to you may have been taken or held in order to satisfy a debt. The debt may
15 be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers
16 are enclosed.

17 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CARE-
18 FULLY.

19 State and federal law specify that certain property may not be taken. Some of the property that
20 you may be able to get back is listed below.

21 *[(1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following*
22 *amounts is greater:]*

23 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385, in an amount that**
24 **does not exceed the greater of:**

25 (a) 75 percent of your take-home wages; or

26 (b) ~~[\$254]~~ **The amount specified in ORS 18.385 (2)(a)**, per workweek.

27 (2) Social Security benefits.

28 (3) Supplemental Security Income (SSI).

29 (4) Public assistance (welfare).

30 (5) Unemployment benefits.

31 (6) Disability benefits (other than SSI benefits).

32 (7) Workers' compensation benefits.

33 (8) All Social Security benefits and Supplemental Security Income benefits, and up to \$7,500 in
34 exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are
35 held in a bank account.

36 (9) Spousal support, child support or separate maintenance to the extent reasonably necessary
37 for your support or the support of any of your dependents.

38 (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied
39 by your spouse, parent or child. Up to ~~[\$40,000]~~ **\$150,000** of the value of the homestead is exempt.
40 If you jointly own the homestead with another person who is also liable on the debt, up to
41 ~~[\$50,000]~~ **\$300,000** of the value of the homestead is exempt.

42 (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in
43 item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure
44 another homestead.

45 (12) Household goods, furniture, radios, a television set and utensils with a combined value not

1 to exceed \$3,000.

2 *[(13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.]*

3 ***(13) A vehicle, including an automobile, truck, trailer, truck and trailer or other motor**
 4 **vehicle, with a value not to exceed \$10,000.**

5 **(14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your*
 6 *occupation, with a combined value not to exceed \$5,000.*

7 **(15) Books, pictures and musical instruments with a combined value not to exceed \$600.*

8 **(16) Wearing apparel, jewelry and other personal items with a combined value not to exceed*
 9 *\$1,800.*

10 (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000
 11 and their food for 60 days.

12 (18) Provisions and fuel for your family for 60 days.

13 (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt
 14 may not exceed \$1,000.

15 (20) Public or private pensions.

16 (21) Veterans' benefits and loans.

17 (22) Medical assistance benefits.

18 (23) Health insurance proceeds and disability proceeds of life insurance policies.

19 (24) Cash surrender value of life insurance policies not payable to your estate.

20 (25) Federal annuities.

21 (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same ex-
 22 emption as wages).

23 ***(27) Up to \$2,500 in all of the accounts you hold in a financial institution to the extent**
 24 **that such amounts are exempt under ORS 18.785.**

25 *[(27)] (28) Professionally prescribed health aids for you or any of your dependents.*

26 **[(28)] (29) Rental assistance to an elderly person allowed pursuant to ORS 458.375.*

27 **[(29)] (30) Your right to receive, or property traceable to:*

28 **(a) An award under any crime victim reparation law.*

29 **(b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily in-*
 30 *jury suffered by you or an individual of whom you are a dependent.*

31 **(c) A payment in compensation of loss of future earnings of you or an individual of whom you*
 32 *are or were a dependent, to the extent reasonably necessary for your support and the support of*
 33 *any of your dependents.*

34 *[(30)] (31) Amounts paid to you as an earned income tax credit under federal tax law.*

35 *[(31)] (32) Your right to the assets held in, or right to receive payments under, a medical savings*
 36 *account or health savings account authorized under section 220 or 223 of the Internal Revenue*
 37 *Code.*

38 *[(32)] (33) Interest in personal property to the value of \$400, but this cannot be used to increase*
 39 *the amount of any other exemption.*

40 *[(33)] (34) Equitable interests in property.*

41 Note: If two or more people in your household owe the claim or judgment, each of them may
 42 claim the exemptions marked by an asterisk (*).

45 **Note: The amounts specified as limitations on exemptions in this form may change as a**

1 result of changes in the Consumer Price Index for All Urban Consumers, West Region (All
2 Items), as published by the Bureau of Labor Statistics of the United States Department of
3 Labor or a successor agency. You may view updated garnishment exemption limitations on
4 the Oregon Judicial Department website.

5 _____
6
7 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND
8 SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt
9 may be taken to pay for overdue support. For instance, Social Security benefits, workers' compen-
10 sation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but
11 only 50 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support
12 obligation.

13 _____
14
15 **SECTION 26.** Section 27 of this 2024 Act is added to and made a part of ORS 18.600 to
16 18.850.

17 **SECTION 27.** (1) If a judgment debtor's debt arises out of a child support or spousal
18 support obligation or a money award judgment that includes restitution, a challenge to exe-
19 cution form must be in substantially the form set forth in this section. The challenge to
20 execution form described in this section does not expand or restrict the law relating to ex-
21 empt property. A determination as to whether property is exempt from attachment or exe-
22 cution must be made by reference to other law. The form provided in this section may be
23 modified to provide more information or to update the notice based on subsequent changes
24 in exemption laws.

25 (2) The challenge to execution form under this section must be in substantially the fol-
26 lowing form:

27 _____
28
29 _____ COURT
30 COUNTY OF _____

31
32 _____) CHALLENGE TO
33 Plaintiff,) EXECUTION
34)
35 vs.) Case No. _____
36)
37 _____)
38 Defendant.)

39
40 THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING PUR-
41 POSES:

- 42 (1) To claim such exemptions from execution as are permitted by law.
43 (2) To assert that the amount specified in the writ of execution as being subject to exe-
44 cution is greater than the total amount owed.
45

1 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO
2 CLAIM AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

3
4 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

5
6 I/We claim that the following described property or money is exempt from execution:
7 _____
8 _____
9 _____

10
11
12 I/We believe this property is exempt from execution because (the Notice of Exempt
13 Property at the end of this form describes most types of property that you can claim as ex-
14 empt from execution):
15 _____
16 _____
17 _____

18
19
20 I am a person other than the Debtor and I have the following interest in the property:
21 _____
22 _____
23 _____
24 _____

25
26 Name _____ Name _____
27 Signature _____ Signature _____
28 Address _____ Address _____
29 _____
30 Telephone Telephone
31 Number _____ Number _____
32 (Required) (Required)

33
34 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.**

35 **You may seek to reclaim your exempt property by doing the following:**

36 (1) Fill out the Challenge to Execution form that you received with this notice.

37 (2) Mail or deliver the Challenge to Execution form to the court administrator at the
38 address shown on the writ of execution.

39 (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor
40 at the address shown on the writ of execution.

41 You should be prepared to explain your exemption in court. If you have any questions
42 about the execution or the debt, you should see an attorney.
43

44 **YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLO-**
45 **ING PURPOSES:**

1 (1) To claim such exemptions from execution as are permitted by law.

2 (2) To assert that the amount specified in the writ of execution as being subject to exe-
3 cution is greater than the total amount owed.

4
5 YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE
6 VALIDITY OF THE DEBT.

7
8 IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENAL-
9 TIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could
10 be subject to are listed in ORS 18.899.

11
12 NOTICE OF EXEMPT PROPERTY

13
14 Property belonging to you may have been taken or held in order to satisfy a debt. The
15 debt may be reflected in a judgment or in a warrant or order issued by a state agency. Im-
16 portant legal papers are enclosed.

17 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE
18 CAREFULLY.

19 State and federal law specify that certain property may not be taken. Some of the prop-
20 erty that you may be able to get back is listed below.

21 (1) Your disposable earnings, as described in ORS 18.375 and 18.385, in an amount that
22 does not exceed the greater of:

23 (a) 75 percent of your take-home wages; or

24 (b) \$254 per workweek.

25 (2) Social Security benefits.

26 (3) Supplemental Security Income (SSI).

27 (4) Public assistance (welfare).

28 (5) Unemployment benefits.

29 (6) Disability benefits (other than SSI benefits).

30 (7) Workers' compensation benefits.

31 (8) All Social Security benefits and Supplemental Security Income benefits, and up to
32 \$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability
33 benefits, that are held in a bank account.

34 (9) Spousal support, child support or separate maintenance to the extent reasonably
35 necessary for your support or the support of any of your dependents.

36 (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or
37 occupied by your spouse, parent or child. Up to \$40,000 of the value of the homestead is ex-
38 empt. If you jointly own the homestead with another person who is also liable on the debt,
39 up to \$50,000 of the value of the homestead is exempt.

40 (11) Proceeds from the sale of a homestead described in item 10, up to the limits de-
41 scribed in item 10, if you hold the proceeds for less than one year and intend to use those
42 proceeds to procure another homestead.

43 (12) Household goods, furniture, radios, a television set and utensils with a combined
44 value not to exceed \$3,000.

45 *(13) A vehicle, including an automobile, truck, trailer, truck and trailer or other motor

1 vehicle, with a value not to exceed \$3,000.

2 *(14) Tools, implements, apparatus, team, harness or library that are necessary to carry
3 on your occupation, with a combined value not to exceed \$5,000.

4 *(15) Books, pictures and musical instruments with a combined value not to exceed \$600.

5 *(16) Wearing apparel, jewelry and other personal items with a combined value not to
6 exceed \$1,800.

7 (17) Domestic animals and poultry for family use with a combined value not to exceed
8 \$1,000 and their food for 60 days.

9 (18) Provisions and fuel for your family for 60 days.

10 (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as
11 exempt may not exceed \$1,000.

12 (20) Public or private pensions.

13 (21) Veterans' benefits and loans.

14 (22) Medical assistance benefits.

15 (23) Health insurance proceeds and disability proceeds of life insurance policies.

16 (24) Cash surrender value of life insurance policies not payable to your estate.

17 (25) Federal annuities.

18 (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same
19 exemption as wages).

20 (27) Professionally prescribed health aids for you or any of your dependents.

21 *(28) Rental assistance to an elderly person allowed pursuant to ORS 458.375.

22 *(29) Your right to receive, or property traceable to:

23 *(a) An award under any crime victim reparation law.

24 *(b) A payment or payments, not exceeding a total of \$10,000, on account of personal
25 bodily injury suffered by you or an individual of whom you are a dependent.

26 *(c) A payment in compensation of loss of future earnings of you or an individual of
27 whom you are or were a dependent, to the extent reasonably necessary for your support and
28 the support of any of your dependents.

29 (30) Amounts paid to you as an earned income tax credit under federal tax law.

30 (31) Your right to the assets held in, or right to receive payments under, a medical
31 savings account or health savings account authorized under section 220 or 223 of the Internal
32 Revenue Code.

33 (32) Interest in personal property to the value of \$400, but this cannot be used to increase
34 the amount of any other exemption.

35 (33) Equitable interests in property.

36 Note: If two or more people in your household owe the claim or judgment, each of them
37 may claim the exemptions marked by an asterisk (*).

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39
40 **SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND**
41 **SPOUSAL SUPPORT.** Some property that may not otherwise be taken for payment against
42 the debt may be taken to pay for overdue support. For instance, Social Security benefits,
43 workers' compensation benefits, unemployment benefits, veterans' benefits and pensions are
44 normally exempt, but only 50 percent of a lump sum payment of these benefits is exempt if
45 the debt is owed for a support obligation.

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3 **SECTION 28.** ORCP 84 D is amended to read:

4 D Writ of attachment.

5 D(1) Issuance; contents; to whom directed; issuance of several writs. If directed by an order
6 authorizing provisional process under Rule 83, the clerk shall issue a writ of attachment. The writ
7 shall be directed to the sheriff of any county in which property of the defendant may be, and shall
8 require the sheriff to attach and safely keep all the property of the defendant within the county not
9 exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the
10 amount of which shall be stated in conformity with the complaint, together with costs and expenses.
11 Several writs may be issued at the same time to the sheriffs of different counties.

12 D(2) Manner of executing writ. The sheriff to whom the writ is directed and delivered shall note
13 upon the writ the date of such delivery, and shall execute the writ without delay, as follows:

14 D(2)(a) Personal property not in possession of third party. Tangible personal property not in the
15 possession of a third person shall be attached by taking it into the sheriff's custody. If any property
16 attached is perishable, or livestock, where the cost of keeping is great, the sheriff shall sell the same
17 in the manner in which property is sold on execution. The proceeds thereof and other property at-
18 tached shall be retained by the sheriff to answer any judgment that may be recovered in the action,
19 unless sooner subjected to execution upon another judgment. Plaintiff's lien shall attach when the
20 property is taken into the sheriff's custody.

21 D(2)(b) Other personal property. Tangible and intangible personal property in the possession,
22 control or custody of or debts or other monetary obligations owing by a third person shall be at-
23 tached by writs of garnishment issued by the clerk of a court or by an attorney as provided in ORS
24 18.600 to 18.850.

25 D(3) Notice to defendant. After taking property into custody under subsection (2)(a) of this sec-
26 tion, the sheriff shall promptly mail or deliver to the defendant, at the last-known address of the
27 defendant, a copy of the writ of attachment, a copy of the claim of lien filed pursuant to section C
28 of this rule, if any, a notice of exemptions form provided by ORS 18.845 **or section 19 of this 2024**
29 **Act, as appropriate**, and a challenge to garnishment form provided by ORS 18.850. The sheriff may
30 meet the requirements of this subsection by mailing the documents to the last-known address of the
31 defendant as provided by the plaintiff. The sheriff may withhold execution of the writ until the
32 plaintiff provides such address or a statement that the plaintiff has no knowledge of the defendant's
33 address. The sheriff shall have no duty under this subsection if the plaintiff provides a statement
34 that the plaintiff has no knowledge of the defendant's address.

35 D(4) Return of writ; inventory. When the writ of attachment has been fully executed or dis-
36 charged, the sheriff shall return the same, with the sheriff's proceedings indorsed thereon, to the
37 clerk of the court where the action was commenced, and the sheriff shall make a full inventory of
38 the property attached and return the same with the writ.

39 D(5) Indemnity to sheriff. Whenever a writ of attachment is delivered to the sheriff, if the sheriff
40 has actual notice of any third party claim to the personal property to be levied on or is in doubt
41 as to ownership of the property, or of encumbrances thereon, or damage to the property held that
42 may result by reason of its perishable character, such sheriff may require the plaintiff to file with
43 the sheriff a surety bond, indemnifying the sheriff and the sheriff's bondsmen against any loss or
44 damage by reason of the illegality of any holding or sale on execution, or by reason of damage to
45 any personal property held under attachment. Unless a lesser amount is acceptable to the sheriff,

1 the bond shall be in double the amount of the estimated value of the property to be seized.

2 **SECTION 29.** ORS 646.639 is amended to read:

3 646.639. (1) As used in this section and ORS 646A.670:

4 (a) "Charged-off debt" means a debt that a creditor treats as a loss or expense and not as an
5 asset.

6 (b) "Consumer" means a natural person who purchases or acquires property, services or credit
7 for personal, family or household purposes.

8 (c) "Consumer transaction" means a transaction between a consumer and a person that sells,
9 leases or provides property, services or credit to consumers.

10 (d) "Credit" means a right that a creditor grants to a consumer to defer payment of a debt, to
11 incur a debt and defer payment of the debt, or to purchase or acquire property or services and defer
12 payment for the property or services.

13 (e) "Creditor" means a person that, in the ordinary course of the person's business, engages in
14 consumer transactions that result in a consumer owing a debt to the person.

15 (f) "Debt" means an obligation or alleged obligation that arises out of a consumer transaction.

16 (g)(A) "Debt buyer" means a person that regularly engages in the business of purchasing
17 charged-off debt for the purpose of collecting the charged-off debt or hiring another person to collect
18 or bring legal action to collect the charged-off debt.

19 (B) "Debt buyer" does not include a person that acquires charged-off debt as an incidental part
20 of acquiring a portfolio of debt that is predominantly not charged-off debt.

21 (h) "Debt collector" means a person that by direct or indirect action, conduct or practice col-
22 lects or attempts to collect a debt owed, or alleged to be owed, to a creditor or debt buyer.

23 (i) "Debtor" means a consumer who owes or allegedly owes a debt, including a consumer who
24 owes an amount that differs from the amount that a debt collector attempts to collect or that a debt
25 buyer purchased or attempts to collect.

26 (j) "Legal action" means a lawsuit, mediation, arbitration or any other proceeding in any court,
27 including a small claims court.

28 (k) "Original creditor" means the last entity that extended credit to a consumer to purchase
29 goods or services, to lease goods or as a loan of moneys.

30 (L) "Person" means an individual, corporation, trust, partnership, incorporated or
31 unincorporated association or any other legal entity.

32 (2) A debt collector engages in an unlawful collection practice if the debt collector, while col-
33 lecting or attempting to collect a debt, does any of the following:

34 (a) Uses or threatens to use force or violence to cause physical harm to a debtor or to the
35 debtor's family or property.

36 (b) Threatens arrest or criminal prosecution.

37 (c) Threatens to seize, attach or sell a debtor's property if doing so requires a court order and
38 the debt collector does not disclose that seizing, attaching or selling the debtor's property requires
39 prior court proceedings.

40 (d) Uses profane, obscene or abusive language in communicating with a debtor or the debtor's
41 family.

42 (e) Communicates with a debtor or any member of the debtor's family repeatedly or continuously
43 or at times known to be inconvenient to the debtor or any member of the debtor's family and with
44 intent to harass or annoy the debtor or any member of the debtor's family.

45 (f) Communicates or threatens to communicate with a debtor's employer concerning the nature

1 or existence of the debt.

2 (g) Communicates without a debtor's permission or threatens to communicate with the debtor
3 at the debtor's place of employment if the place of employment is other than the debtor's residence,
4 except that the debt collector may:

5 (A) Write to the debtor at the debtor's place of employment if a home address is not reasonably
6 available and if the envelope does not reveal that the communication is from a debt collector other
7 than the person that provided the goods, services or credit from which the debt arose.

8 (B) Telephone a debtor's place of employment without informing any other person of the nature
9 of the call or identifying the caller as a debt collector but only if the debt collector in good faith
10 has made an unsuccessful attempt to telephone the debtor at the debtor's residence during the day
11 or during the evening between the hours of 6 p.m. and 9 p.m. The debt collector may not contact
12 the debtor at the debtor's place of employment more frequently than once each business week and
13 may not telephone the debtor at the debtor's place of employment if the debtor notifies the debt
14 collector not to telephone at the debtor's place of employment or if the debt collector knows or has
15 reason to know that the debtor's employer prohibits the debtor from receiving such communication.
16 For the purposes of this subparagraph, any language in any agreement, contract or instrument that
17 creates or is evidence of the debt and that purports to authorize telephone calls at the debtor's place
18 of employment does not give permission to the debt collector to call the debtor at the debtor's place
19 of employment.

20 (h) Communicates with a debtor in writing without clearly identifying the name of the debt
21 collector, the name of the person, if any, for whom the debt collector is attempting to collect the
22 debt and the debt collector's business address, on all initial communications. In subsequent commu-
23 nications involving multiple accounts, the debt collector may eliminate the name of the person, if
24 any, for whom the debt collector is attempting to collect the debt and substitute the term
25 "various" in place of the person's name.

26 (i) Communicates with a debtor orally without disclosing to the debtor, within 30 seconds after
27 beginning the communication, the name of the individual who is initiating the communication and
28 the true purpose of the communication.

29 (j) Conceals the true purpose of the communication so as to cause any expense to a debtor in
30 the form of long distance telephone calls, telegram fees, additional charges for wireless communi-
31 cation or other charges the debtor might incur by using a medium of communication.

32 (k) Attempts or threatens to enforce a right or remedy while knowing or having reason to know
33 that the right or remedy does not exist, or threatens to take any action that the debt collector in
34 the regular course of business does not take.

35 (L) Uses any form of communication that simulates legal or judicial process or that appears to
36 be authorized, issued or approved by a governmental agency, governmental official or an attorney
37 at law if the corresponding governmental agency, governmental official or attorney at law has not
38 in fact authorized or approved the communication.

39 (m) Represents that an existing debt may be increased by the addition of attorney fees, investi-
40 gation fees or any other fees or charges if the fees or charges may not legally be added to the ex-
41 isting debt.

42 (n) Collects or attempts to collect interest or other charges or fees that exceed the actual debt
43 unless the agreement, contract or instrument that creates the debt expressly authorizes, or a law
44 expressly allows, the interest or other charges or fees.

45 (o) Threatens to assign or sell a debtor's account and misrepresents or implies that the debtor

1 would lose any defense to the debt or would be subjected to harsh, vindictive or abusive collection
2 tactics.

3 (p) Uses the seal or letterhead of a public official or a public agency, as those terms are defined
4 in ORS 171.725.

5 (q) Collects or attempts to collect any debt that the debt collector knows, or after exercising
6 reasonable diligence would know, arises from medical expenses that qualify for reimbursement under
7 the Oregon Health Plan or under Medicaid, except that:

8 (A) The debt collector does not engage in an unlawful collection practice if the debt collector
9 can produce an affidavit or certificate from the original creditor that shows that the original cred-
10 itor complied with Oregon Health Authority rules barring payments for services that Medicaid fee-
11 for-service plans or contracted health care plans cover; and

12 (B) For purposes of this paragraph, a prepaid managed care health services organization, a co-
13 ordinated care organization or a public body, as defined in ORS 174.109, or an agent or assignee of
14 the organization or public body, is not a debt collector if the organization or public body seeks to
15 collect a debt that arises under ORS 416.540.

16 (r) Files a legal action to collect or files a legal action to attempt to collect a debt if the debt
17 collector knows, or after exercising reasonable diligence would know, that an applicable statute of
18 limitations bars the collection or the collection attempt.

19 *[(s) Knowingly collects any amount, including any interest fee, charge or expense incidental to the*
20 *principal obligation, unless the amount is expressly authorized by the agreement creating the debt or*
21 *permitted by law.]*

22 (s) **Collects or attempts to collect or threatens to collect a debt or any interest fee,**
23 **charge or expense incidental to the principal obligation, by any means, including through**
24 **legal action, while knowing or having reason to know that the debt does not exist, is not**
25 **owed by the debtor or is not allowed by the contract creating the debt or by law. The fact**
26 **that the debt collector obtains a judgment for less than the amount sought in the complaint**
27 **or fails to obtain a judgment at all does not by itself establish a violation of this section.**

28 (t) Collects or attempts to collect a debt if the debt collector is a debt buyer, or is acting on a
29 debt buyer's behalf, and collects or attempts to collect purchased debt before providing to a debtor,
30 within 30 days after the date of the debtor's request, all of the documents listed in subsection (4)(b)
31 of this section.

32 (u) Collects or attempts to collect a debt without complying with the requirements of ORS
33 646A.677.

34 (3) A debt collector engages in an unlawful collection practice if the debt collector, by use of
35 any direct or indirect action, conduct or practice, enforces or attempts to enforce an obligation
36 made void and unenforceable by the provisions of ORS 759.720 (3) to (5).

37 (4) A debt buyer or debt collector acting on behalf of a debt buyer engages in an unlawful col-
38 lection practice if the debt buyer or debt collector:

39 (a) Files legal action against a debtor or files legal action to attempt to collect a debt if the debt
40 buyer or debt collector knows or after exercising reasonable diligence would know that an applica-
41 ble statute of limitations bars the legal action to collect or the legal action to attempt to collect the
42 debt;

43 (b) Brings a legal action against a debtor or otherwise brings a legal action to attempt to collect
44 a debt without possessing business records that satisfy the requirements of ORS 40.460 (6), or of ORS
45 24.115, if the record is a foreign judgment, that establish the nature and the amount of the debt and

1 that include:

2 (A) The original creditor's name, written as the original creditor used the name in dealings with
3 the debtor;

4 (B) The name and address of the debtor;

5 (C) The name, address and telephone number of the person that owns the debt and a statement
6 as to whether the person is a debt buyer;

7 (D) The last four digits of the original creditor's account number for the debt, if the original
8 creditor's account number for the debt had four or more digits;

9 (E) A detailed and itemized statement of:

10 (i) The amount the debtor last paid on the debt, if the debtor made a payment, and the date of
11 the payment;

12 (ii) The amount and date of the debtor's last payment on the debt before the debtor defaulted
13 or before the debt became charged-off debt;

14 (iii) The balance due on the debt on the date on which the debt became charged-off debt;

15 (iv) The amount and rate of interest, any fees and any charges that the original creditor im-
16 posed, if the debt buyer or debt collector knows the amount, rate, fee or charge;

17 (v) The amount and rate of interest, any fees and any charges that the debt buyer or any pre-
18 vious owner of the debt imposed, if the debt buyer or debt collector knows the amount, rate, fee or
19 charge;

20 (vi) The attorney fees the debt buyer or debt collector seeks, if the debt buyer or debt collector
21 expects to recover attorney fees; and

22 (vii) Any other fee, cost or charge the debt buyer seeks to recover;

23 (F) Evidence that the debt buyer and only the debt buyer owns the debt;

24 (G) The date on which the debt buyer purchased the debt; and

25 (H) A copy of the agreement between the original creditor and the debtor that is either:

26 (i) The contract or other writing the debtor signed that created and is evidence of the original
27 debt; or

28 (ii) A copy of the most recent monthly statement that shows a purchase transaction or balance
29 transfer or the debtor's last payment, if the debtor made a payment, if the debt is a credit card debt
30 or other debt for which a contract or other writing that is evidence of the debt does not exist;

31 (c) Fails to provide to a debtor, after the debt buyer or debt collector receives payment in cash
32 or the debtor requests the receipt, a receipt that:

33 (A) Shows the name of the creditor or creditors for whom the debt buyer or debt collector re-
34 ceived the payment and, if the creditor is not the original creditor, the account number that the
35 original creditor assigned; and

36 (B) States clearly whether the debt buyer or debt collector accepts the payment as payment in
37 full or as a full and final compromise of the debt and, if not, the balance remaining on the debt after
38 the payment;

39 (d) Collects or attempts to collect a debt before providing, in response to a debtor's request, the
40 documents required under paragraph (b) of this subsection. A debt buyer or a debt collector that
41 acts on the debt buyer's behalf does not engage in an unlawful collection practice under this para-
42 graph if the debt buyer or debt collector collects or attempts to collect a debt after providing the
43 required documents to the debtor; or

44 (e) Uses any direct or indirect action, conduct or practice to violate a provision of this section
45 or ORS 646A.670.

1 (5) A debt collector is not acting on a debt buyer's behalf, and is not subject to the duties to
2 which a debt buyer is subject under this section and ORS 646A.670, if the debt collector collects or
3 attempts to collect a debt on behalf of an owner that retains a direct interest in the debt or if the
4 debt is not a debt that a debt buyer purchased.

5 **SECTION 30.** ORS 646.641 is amended to read:

6 646.641. (1) Any person injured as a result of willful use or employment by another person of
7 an unlawful collection practice may bring an action in an appropriate court to enjoin the practice
8 or to recover actual damages or [\$200] **\$1,000**, whichever is greater. The court or the jury may
9 award punitive damages, and the court may provide such equitable relief as it deems necessary or
10 proper.

11 (2) In any action brought by a person under this section, the court may award reasonable at-
12 torney fees [*to the prevailing party*] **and costs at trial and on appeal to a prevailing plaintiff. The**
13 **court may award reasonable attorney fees and costs at trial and on appeal to a prevailing**
14 **defendant only if the court finds that the plaintiff had no objectively reasonable basis for**
15 **bringing the action or asserting the ground for appeal.**

16 (3) Actions brought under this section shall be commenced within [*one year*] **three years** from
17 the date of the injury.

18 **SECTION 31.** ORS 18.784 and 646.643 are repealed.

19 **SECTION 32.** (1) Sections 19 and 27 of this 2024 Act and the amendments to ORS 18.345,
20 18.348, 18.385, 18.395, 18.402, 18.412, 18.600, 18.618, 18.658, 18.785, 18.787, 18.788, 18.790, 18.835,
21 18.838, 18.840, 18.845, 18.847, 18.854, 18.855, 18.888, 18.892, 18.896 and ORCP 84 D by sections 1
22 to 17, 20 to 25 and 28 of this 2024 Act and the repeal of ORS 18.784 by section 31 of this 2024
23 Act apply to writs of garnishment and writs of execution issued on or after the effective date
24 of this 2024 Act and to notices of wage garnishment that are in effect on or after the effec-
25 tive date of this 2024 Act.

26 (2) The amendments to ORS 646.639 and 646.641 by sections 29 and 30 of this 2024 Act
27 apply to attempts to collect a debt that occur on or after the effective date of this 2024 Act.

28 **SECTION 33.** This 2024 Act takes effect on the 91st day after the date on which the 2024
29 regular session of the Eighty-second Legislative Assembly adjourns sine die.

30
