

March 17, 2005

H 684. GARNISH WAGES TO SATISFY JUDGMENTS. TO AUTHORIZE GARNISHMENT OF THE JUDGMENT DEBTOR'S WAGES AS AN ADDITIONAL MEANS OF ENFORCING A JUDGMENT. Amends GS 1-362 to allow judgment creditor to reach judgment debtor's wages through a supplemental proceeding except that amount of wages that are less than 30 times the federal minimum hourly wage per work week or 75% of debtor's net income, whichever is greater, cannot be reached (was, wages earned within 60 days next preceding the supplemental proceeding order cannot be reached if necessary for use of debtor's family). Adds new Article 15 to GS Chapter 1C authorizing judgment creditor to garnish wages of judgment debtor to extent they are not exempt under GS 1-362 (was, NC allows wage garnishment for taxes and child support only). Sets out procedure for clerk to issue garnishment order to employer and provides for priorities among wage garnishment orders. Sets out procedure for hearing to contest garnishment and order in which payments are applied to judgment. Specifies that garnishment provisions apply to earnings paid by local or State governments. Amends GS 95-241 to prohibit an employer from retaliating against an employee because the employee has his or her wages garnished. Effective October 1, 2005, and wage garnishment procedure applies to civil actions filed on or after that date.

Intro. by Moore, Daughtridge, McGee, LaRoque.

Ref. to Judiciary II

GS 1, 1C, 95