

February 20, 2007

H 284. GARNISH WAGES TO SATISFY JUDGMENTS. Filed 2/20/07. *TO AUTHORIZE GARNISHMENT OF THE JUDGMENT DEBTOR'S WAGES AS AN ADDITIONAL MEANS OF ENFORCING A JUDGMENT.* Amends GS 1-362 to allow a judgment creditor to reach the judgment debtor's wages through a supplemental proceeding, except that the amount of wages that is 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 the debtor's family). Adds new Article 15 (Garnishment of Wages to Enforce Judgments) to GS Chapter 1C authorizing a judgment creditor to garnish wages of the judgment debtor to the extent they are not exempt under GS 1-362 (was, NC allows wage garnishment for taxes and child support only). Sets out procedure for the clerk to issue a garnishment order to an employer and provides for priorities among wage garnishment orders. Sets out procedure for a hearing to contest the garnishment and the order in which payments are applied to the 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 for civil actions filed on or after October 1, 2007.

Intro. by Moore, Daughtridge, McGee, Tillis. GS 1, 1C, 95