

Enrolled
Senate Bill 240

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CHAPTER

AN ACT

Relating to personal information about debtors; creating new provisions; amending ORS 18.042, 18.170, 18.607, 18.668 and 18.830; and declaring an emergency.

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

SECTION 1. ORS 18.042 is amended to read:

18.042. (1) The judgment document for a judgment in a civil action that includes a money award must contain a separate section clearly labeled as a money award. Any judgment in a civil action that includes a money award, but does not contain a separate section clearly labeled as a money award, does not create a judgment lien but may be enforced by any other judgment remedy.

(2) The separate section required by subsection (1) of this section must include all of the following:

(a) The name and address of each judgment creditor and the name, address and telephone number of any attorney who represents one or more of the judgment creditors.

(b) The name of each judgment debtor and, to the extent known by the judgment creditor:

(A) The address of each judgment debtor;

(B) The *[date]* year of birth of each judgment debtor;

(C) **The tax identification number of each judgment debtor, or the final four digits of the Social Security number of each judgment debtor** *[or tax identification number of each judgment debtor]*;

(D) The **final four digits of the** driver license number of each judgment debtor and the name of the state that issued the license; and

(E) The name of any attorney for each judgment debtor.

(c) The name of any person or public body, as defined in ORS 174.109, other than the judgment creditor's attorney, that is known by the judgment creditor to be entitled to any portion of the money award.

(d) The amount of money awarded in the judgment, exclusive of amounts required to be included in the separate section under paragraphs (e) to (h) of this subsection.

(e) Any interest owed as of the date the judgment is entered in the register, either as a specific amount or as accrual information, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.

(f) Information about interest that accrues on the judgment after entry in the register, including the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates from which interest at each rate on each balance runs, and whether interest is simple or compounded and, if compounded, at what intervals.

(g) For monetary obligations that are payable on a periodic basis, any accrued arrearages, required further payments per period and payment dates.

(h) If the judgment requires the payment of costs and disbursements or attorney fees, a statement indicating that the award is made, any specific amounts awarded, a clear identification of the specific requests for relief for which any attorney fees are awarded and the amount of attorney fees awarded for each request for relief.

(3) The information required by subsection (2) of this section must be set forth in the money award section of the judgment document in the same order as the requirements appear in subsection (2) of this section.

(4) The separate section required by subsection (1) of this section must be placed immediately above the judge's or court administrator's signature. The separate section must be clearly labeled at its beginning as a money award. If the judgment includes a support award, the label of the separate section must so indicate. Except for information described in ORS 24.290, the separate section of the judgment document may not contain any provision except the information required by this section.

[(5) Notwithstanding subsection (2) of this section, in proceedings under ORS 107.085 and 107.485 the Social Security number of a judgment debtor must be provided by the judgment creditor in the manner established by the State Court Administrator under ORS 107.840.]

[(6) Notwithstanding subsection (2) of this section, a public body, as defined in ORS 174.109, need not include the Social Security number or driver license number of a judgment debtor if disclosure of the Social Security number or driver license number violates federal law or any law of this state.]

[(7)] (5) The provisions of this section do not apply to foreign judgments that are filed with a court under ORS 24.115 or 110.405. If a foreign judgment is filed with the court under ORS 24.115, the separate statement required by ORS 24.125 must be filed with the foreign judgment.

SECTION 2. ORS 18.170 is amended to read:

18.170. (1) Unless otherwise prescribed by law, a person recording a lien record abstract shall use substantially the following form:

LIEN RECORD ABSTRACT

The undersigned states:

A. Creditor/Prevailing Party Information:

— 1. The creditor/prevailing party is:

and the address of the creditor is:

under judgment, order or petition entered on _____ (date) in the _____ Court for _____ (County) of _____ (State) under Case No. _____.

— 2. The Creditor's attorney's name is

Attorney's Address is:

Attorney's Phone No. is: _____

B. Debtor/Losing Party Information:

- 1. The Debtor/losing party is:

- 2. Debtor's address (if known):

- 3. **The Taxpayer Identification No. of the Debtor, or the final four digits of the Debtor's Social Security No. [or] [Taxpayer Identification No.]**
(if known):

- 4. **The final four digits of the Debtor's driver license no. and state of issuance for the license**
(if known):

- 5. Name of debtor's attorney
(if known):

C. Judgment Information:

- 1. The amount of the judgment is:

- 2. The amount of the costs is:

- 3. The amount of attorney fees, if any is: _____

D. The Real or Personal Property to Be Affected

(Check appropriate box):

- All real property of the debtor/losing party, now or hereafter acquired, in _____ County as provided under ORS 18.152.
- The following described real or personal property of debtor (legal description as set forth or on attached Exhibit):

IN WITNESS WHEREOF, the undersigned person or persons have executed this abstract this ____ day of _____, 2____.

State of Oregon)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2____, by _____.

Notary Public for Oregon

My commission expires: _____

State of Oregon)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2____, by _____ and by _____ of _____, a corporation on behalf of the corporation.

Notary Public for Oregon

My commission expires: _____

(2) A lien record abstract that is the result of a judgment for unpaid child or spousal support entered in another state shall be on the form prescribed by rules adopted by the Department of Justice in lieu of the form required by subsection (1) of this section.

SECTION 3. ORS 18.607 is amended to read:

18.607. (1) Except as otherwise provided by law, a writ of garnishment must be in substantially the form provided by ORS 18.830. Notation on the writ of additional information for purposes of identifying the debtor or the garnishable property believed to be held by the garnishee does not affect the validity or operation of the writ. A debt calculation form, in substantially the form provided by ORS 18.832, must be prepared for each writ of garnishment issued.

(2) A writ of garnishment must contain all of the following information:

- (a) The name of the court whose authority is invoked.
- (b) The names of the creditor and debtor.
- (c) The name of the garnishor.

(d) The date on which judgment was entered against the debtor or the debt otherwise became subject to garnishment under ORS 18.605.

(e) **The debtor's employer identification number, or the final four digits of the debtor's Social Security number [or employer identification number]**, if those numbers are known by the garnishor. [A public body, as defined in ORS 174.109, shall not include the Social Security number of the debtor if the disclosure of the Social Security number would violate federal law or any law of this state.]

(f) The amount subject to garnishment under the writ, as determined by completing the debt calculation form provided in ORS 18.832.

(g) The date on which the writ is issued.

(h) All addresses required in the writ of garnishment form provided by ORS 18.830.

(3) If a writ of garnishment is issued by the court administrator, the creditor must sign the certification in the writ indicating that the creditor has read the writ and that to the best of the knowledge, information and belief of the creditor there is good ground to support issuance of the writ and the amount indicated in the writ as subject to garnishment.

(4) If a writ is issued by any person other than the court administrator, the person issuing the writ must sign the certification described in subsection (3) of this section.

(5) A single writ may be issued for two or more debtors if those debtors are jointly liable on all or part of the debt.

SECTION 4. ORS 18.668 is amended to read:

- All debts that you owe the Debtor at the time this writ is delivered to you, whether or not payment is due on the debt at the time you receive this writ.

YOU MUST ANSWER THIS WRIT BY COMPLETING THE ATTACHED GARNISHEE RESPONSE WITHIN THE TIME ALLOWED BY LAW, WHETHER OR NOT YOU HOLD ANY OF THE DEBTOR'S PROPERTY OR OWE ANYTHING TO THE DEBTOR. IF YOU DO NOT TRUTHFULLY ANSWER THIS WRIT, OR YOU DO NOT DELIVER MONEY OR PROPERTY WHEN YOU ARE REQUIRED TO DO SO, YOU WILL BE LIABLE TO THE CREDITOR.

If you have questions, you should contact an attorney. Court employees cannot give you legal advice. The Creditor's attorney cannot give you legal advice.

A writ of garnishment may be issued only by the court administrator, by the attorney for the Creditor or by a person who is specifically authorized by law to issue garnishments. This writ is issued by (check one):

- The court administrator
- The attorney for the Creditor
- Other authorized issuer:
 Name and title _____
 Statutory authority to issue writ _____

This writ is valid only if it has been delivered to you within 60 days after the date of issuance. If the court administrator is issuing this writ, the date of issuance is the date the court administrator signs the writ (see "COURT SEAL" below). If this writ is issued by any other person, the date of issuance is the date on which the issuer signs the certification (see "CERTIFICATION" below).

IMPORTANT ADDRESSES
(see Step 2 of Instructions to Garnishee form)

(Court Administrator)

_____ Court
 Street address _____
 City _____ County _____
 State _____ Zip Code _____

(Debtor)

Name _____
 Telephone number (if known) _____

Street address _____
 City _____ State _____
 Zip Code _____

Creditor has no knowledge of Debtor's address

(Garnishor; check one)

Creditor: (Must be filled in if the court administrator issues writ.)
 Name _____

Street address _____
City _____ State _____
Zip Code _____

— Attorney for Creditor:
Name _____
Street address _____
City _____ State _____
Zip Code _____
Telephone number _____
Oregon State Bar number _____

— Other authorized issuer of writ:
Name _____
Street address _____
City _____ State _____
Zip Code _____
Telephone number _____

CERTIFICATION

(The following certification must be signed by the Creditor if this writ is issued by the court administrator. In all other cases, the following certification must be signed by the person issuing the writ.)

I certify that I have read this writ of garnishment and to the best of my knowledge, information and belief, there is good ground to support issuance of the writ, and the amount indicated as subject to garnishment is lawfully subject to collection by this writ.

_____, 2____
Signature Date

Oregon State Bar No. (if attorney)

COURT SEAL

(To be completed only if this writ is issued by the court administrator. The writ must be stamped by the court administrator. The court administrator has not calculated any amounts on the writ and is not liable for errors made in the writ by the Creditor.)

Issued by the court administrator this ____ day of _____, 2____.

COURT ADMINISTRATOR

By _____

SECTION 6. (1) The amendments to ORS 18.042 by section 1 of this 2009 Act apply only to judgments entered on or after the effective date of this 2009 Act.

(2) The amendments to ORS 18.170 by section 2 of this 2009 Act apply only to lien record abstracts recorded on or after the effective date of this 2009 Act.

(3) The amendments to ORS 18.607 and 18.830 by sections 3 and 5 of this 2009 Act apply only to writs of garnishment issued on or after the effective date of this 2009 Act.

SECTION 7. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate February 9, 2009

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Secretary of Senate

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President of Senate

Passed by House May 21, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State