

# Senate Bill 240

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## 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**.

Provides that certain documents in judicial proceedings contain only last four digits of debtor's Social Security number and driver license number.

Allows garnishor or garnishor's attorney to provide full Social Security number to garnishee if garnishee requests number for purpose of identifying debtor. Provides that garnishee is not liable to any person by reason of using all or part of debtor's Social Security number for purpose of identifying debtor.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to personal information about debtors; creating new provisions; amending ORS 18.042,  
3 18.170, 18.607, 18.668 and 18.830; and declaring an emergency.

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

5 **SECTION 1.** ORS 18.042 is amended to read:

6 18.042. (1) The judgment document for a judgment in a civil action that includes a money award  
7 must contain a separate section clearly labeled as a money award. Any judgment in a civil action  
8 that includes a money award, but does not contain a separate section clearly labeled as a money  
9 award, does not create a judgment lien but may be enforced by any other judgment remedy.

10 (2) The separate section required by subsection (1) of this section must include all of the fol-  
11 lowing:

12 (a) The name and address of each judgment creditor and the name, address and telephone num-  
13 ber of any attorney who represents one or more of the judgment creditors.

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

15 (A) The address of each judgment debtor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 [(7)] (5) The provisions of this section do not apply to foreign judgments that are filed with a  
 31 court under ORS 24.115 or 110.405. If a foreign judgment is filed with the court under ORS 24.115,  
 32 the separate statement required by ORS 24.125 must be filed with the foreign judgment.

33 **SECTION 2.** ORS 18.170 is amended to read:

34 18.170. (1) Unless otherwise prescribed by law, a person recording a lien record abstract shall  
 35 use substantially the following form:

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36  
 37  
 38 LIEN RECORD ABSTRACT

39  
 40 The undersigned states:

41  
 42 A. Creditor/Prevailing Party Information:

43 — 1. The creditor/prevailing party is:

44 \_\_\_\_\_

45 and the address of the creditor is:

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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):  
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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 be-  
half 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 af-  
fect the validity or operation of the writ. A debt calculation form, in substantially the form provided

1 by ORS 18.832, must be prepared for each writ of garnishment issued.

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

3 (a) The name of the court whose authority is invoked.

4 (b) The names of the creditor and debtor.

5 (c) The name of the garnishor.

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

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

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

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

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

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

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

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

25 **SECTION 4.** ORS 18.668 is amended to read:

26 18.668. (1) Notwithstanding any provision of ORS 18.600 to 18.850, a garnishee may pay to the  
27 garnishor or to the court administrator any money that the garnishee reasonably believes may have  
28 been garnished and may deliver to the sheriff in the manner provided by ORS 18.600 to 18.850 any  
29 property that the garnishee reasonably believes to have been garnished. The garnishee has no duty  
30 to determine whether money or property held by the garnishee is exempt from garnishment or to  
31 determine whether the money or property is garnishable property.

32 (2) If the garnishee makes payment of garnished money to the garnishor or to the court admin-  
33 istrator under subsection (1) of this section, or delivers garnished property to the sheriff in the  
34 manner provided by ORS 18.600 to 18.850, the garnishee is discharged from liability to the creditor  
35 for the value of the money paid or property delivered.

36 (3) If the garnishee requests a receipt, the sheriff or court administrator shall provide the  
37 garnishee with a receipt for any property delivered to the sheriff or payment made to the court  
38 administrator.

39 (4) **A garnishor or the garnishor's attorney may disclose the full Social Security number**  
40 **for a debtor to a garnishee if the garnishee requests the number for the purpose of identi-**  
41 **fying the debtor.**

42 (5) **A garnishee is not liable to any person by reason of using all or part of a debtor's**  
43 **Social Security number for the purpose of identifying the debtor.**

44 **SECTION 5.** ORS 18.830 is amended to read:

45 18.830. A writ of garnishment must be in substantially the following form:

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\_\_\_\_\_ COURT  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_)  
Plaintiff, ) WRIT OF  
) GARNISHMENT  
)  
vs. ) Case No. \_\_\_\_\_  
)  
)  
\_\_\_\_\_)  
Defendant. )

TO: \_\_\_\_\_.

You are now a Garnishee. AS A GARNISHEE, YOU NEED TO KNOW THE FOLLOWING:  
\_\_\_\_\_ (who is called the "Debtor") owes money to \_\_\_\_\_ (who is called the  
"Creditor"). A judgment was entered against the Debtor for the debt, or the debt otherwise became  
subject to garnishment, on \_\_\_\_\_, 2\_\_\_\_. **The Debtor's employer identification number, or the  
final four digits of the** Debtor's Social Security number [*or employer identification number*],  
is\_\_\_\_\_ (insert if known).

The amount subject to garnishment is \$\_\_\_\_\_.

This writ garnishes all of the following:

- Wages that you owe the Debtor at the time this writ is delivered to you, and all wages that the Debtor earns during the 90-day period following the date on which you receive this writ.
- All property of the Debtor (including money) that is in your possession, control or custody at the time this writ is delivered to you.
- 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.

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

- 4
- 5  The court administrator
- 6  The attorney for the Creditor
- 7  Other authorized issuer:
- 8       Name and title \_\_\_\_\_
- 9       Statutory authority to issue writ \_\_\_\_\_

10

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

15

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

18

19 (Court Administrator)

20

21 \_\_\_\_\_ Court  
22 Street address \_\_\_\_\_  
23 City \_\_\_\_\_ County \_\_\_\_\_  
24 State \_\_\_\_\_ Zip Code \_\_\_\_\_

25

26 (Debtor)

27

28 Name \_\_\_\_\_  
29 Telephone number (if known) \_\_\_\_\_

30

31  Street address \_\_\_\_\_  
32 City \_\_\_\_\_ State \_\_\_\_\_  
33 Zip Code \_\_\_\_\_

34

35  Creditor has no knowledge of Debtor's address

36

37 (Garnishor; check one)

38

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

40 Name \_\_\_\_\_  
41 Street address \_\_\_\_\_  
42 City \_\_\_\_\_ State \_\_\_\_\_  
43 Zip Code \_\_\_\_\_

44

45  Attorney for Creditor:

1 Name \_\_\_\_\_  
2 Street address \_\_\_\_\_  
3 City \_\_\_\_\_ State \_\_\_\_\_  
4 Zip Code \_\_\_\_\_  
5 Telephone number \_\_\_\_\_  
6 Oregon State Bar number \_\_\_\_\_

7  
8 — Other authorized issuer of writ:  
9 Name \_\_\_\_\_  
10 Street address \_\_\_\_\_  
11 City \_\_\_\_\_ State \_\_\_\_\_  
12 Zip Code \_\_\_\_\_  
13 Telephone number \_\_\_\_\_

14  
15 CERTIFICATION

16  
17 (The following certification must be signed by the Creditor if this writ is issued by the court ad-  
18 ministrator. In all other cases, the following certification must be signed by the person issuing the  
19 writ.)

20  
21 I certify that I have read this writ of garnishment and to the best of my knowledge, information  
22 and belief, there is good ground to support issuance of the writ, and the amount indicated as subject  
23 to garnishment is lawfully subject to collection by this writ.

24  
25 \_\_\_\_\_, 2\_\_\_\_  
26 Signature Date

27  
28 \_\_\_\_\_  
29 Oregon State Bar No. (if attorney)

30  
31 COURT SEAL

32  
33 (To be completed only if this writ is issued by the court administrator. The writ must be stamped  
34 by the court administrator. The court administrator has not calculated any amounts on the writ and  
35 is not liable for errors made in the writ by the Creditor.)

36  
37 Issued by the court administrator this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

38  
39 COURT ADMINISTRATOR

40  
41 By \_\_\_\_\_

42  
43  
44 **SECTION 6. (1) The amendments to ORS 18.042 by section 1 of this 2009 Act apply only**  
45 **to judgments entered on or after the effective date of this 2009 Act.**



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

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

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

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