

## HOUSE AMENDMENTS TO SENATE BILL 185

By COMMITTEE ON REVENUE

May 23

1       On page 1 of the printed bill, delete line 3 and insert “18.855; and declaring an emergency.”.  
2       Delete lines 5 through 30 and delete pages 2 through 7 and insert:  
3       “**SECTION 1.** ORS 18.855 is amended to read:  
4       “18.855. (1) Notwithstanding ORS 18.607, a notice of garnishment issued by a state agency need  
5 not contain the name of a court whose authority is invoked.  
6       “(2) State agencies shall make such modifications as are necessary in the wage exemption cal-  
7 culation form provided by ORS 18.840 if a notice of garnishment is issued for a debt due for a state  
8 tax that is subject to the provisions of ORS 18.385 (6).  
9       “(3) Notwithstanding ORS 18.625, but subject to ORS 18.618 (2), a notice of garnishment issued  
10 by a state agency acts to garnish all wages earned by the debtor by reason of services to the  
11 garnishee until the full amount of the debt is paid or until the notice of garnishment is released by  
12 the state agency or by court order. A notice of garnishment issued by a state agency must contain  
13 language reasonably designed to notify the garnishee of the provisions of this subsection.  
14       “(4) Notwithstanding ORS 18.690, a garnishee who receives a notice of garnishment issued by  
15 a state agency need not deliver a copy of the garnishee response to the clerk of the court, but must  
16 deliver the original of the response to the state agency.  
17       “(5) Notwithstanding ORS 18.700, a challenge to a notice of garnishment issued by a state  
18 agency must be delivered in person or by first class mail to the state agency within the time spec-  
19 ified by ORS 18.700 (2). Upon receiving a challenge, the state agency shall provide notice of the  
20 challenge in the manner provided by ORS 18.702. Upon a sheriff receiving notice under ORS 18.702,  
21 the sheriff shall proceed as provided by ORS 18.760, except that upon determination of the challenge  
22 by an administrative law judge, the sheriff shall proceed as directed by the judge. Within 14 days  
23 after receiving the challenge, the state agency must either concede the challenge or give the person  
24 making the challenge opportunity for hearing. If the person making the challenge requests a hearing,  
25 the agency shall immediately refer the challenge to the Office of Administrative Hearings estab-  
26 lished under ORS 183.605. The hearing shall be conducted as soon as possible. Notwithstanding ORS  
27 183.315, the hearing shall be conducted as a contested case hearing. An issue that was decided in  
28 a previous hearing, or for which the debtor was previously afforded an opportunity for hearing, may  
29 not be reconsidered.  
30       “(6) If a state agency is issuing a notice of garnishment for collection of a state tax, and the  
31 state agency has reason to believe that the debtor intends to leave the state or do any other act that  
32 would jeopardize collection of the tax, the state agency may issue a special notice of garnishment.  
33 Any earnings, as defined in ORS 18.375, garnished under a special notice of garnishment are not  
34 subject to a claim of exemption under ORS 18.385. A special notice of garnishment issued under this  
35 subsection garnishes only that property of the debtor that is in the garnishee’s possession, control

1 or custody at the time the special notice is delivered, including debts not yet due, and all wages  
2 owed by the garnishee to the debtor at the time the special notice is delivered. A special notice of  
3 garnishment does not act to garnish wages earned by the debtor by reason of services rendered to  
4 the garnishee after the delivery of the special notice of garnishment.

5 “(7) A special notice of garnishment issued under subsection (6) of this section shall contain a  
6 statement indicating that it is a special notice of garnishment under subsection (6) of this section  
7 and a statement reflecting the provisions of subsection (6) of this section. Notwithstanding ORS  
8 18.854 (1), a wage exemption calculation form shall not be delivered to the garnishee with a special  
9 notice of garnishment.

10 **“(8) Notwithstanding ORS 18.854 (1)(b), the Department of Revenue is not required to**  
11 **deliver a warrant or true copy of a warrant with the notice of garnishment when garnishing**  
12 **property of a debtor.**

13 **“(9) Notwithstanding ORS 18.607 (4), a notice of garnishment issued by the Department**  
14 **of Revenue must include the name of the person issuing the notice on behalf of the depart-**  
15 **ment, but need not be signed by that person.**

16 **“SECTION 2. The amendments to ORS 18.855 by section 1 of this 2013 Act apply only to**  
17 **notices of garnishment issued on and after January 1, 2014.**

18 **“SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
19 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
20 **on its passage.”.**

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