

**PROPOSED AMENDMENTS TO  
SENATE BILL 185**

1 On page 1 of the printed bill, delete line 3 and insert “18.855; and de-  
2 claring an emergency.”.

3 Delete lines 5 through 30 and delete pages 2 through 7 and insert:

4 **“SECTION 1.** ORS 18.855 is amended to read:

5 “18.855. (1) Notwithstanding ORS 18.607, a notice of garnishment issued  
6 by a state agency need not contain the name of a court whose authority is  
7 invoked.

8 “(2) State agencies shall make such modifications as are necessary in the  
9 wage exemption calculation form provided by ORS 18.840 if a notice of  
10 garnishment is issued for a debt due for a state tax that is subject to the  
11 provisions of ORS 18.385 (6).

12 “(3) Notwithstanding ORS 18.625, but subject to ORS 18.618 (2), a notice  
13 of garnishment issued by a state agency acts to garnish all wages earned by  
14 the debtor by reason of services to the garnishee until the full amount of the  
15 debt is paid or until the notice of garnishment is released by the state agency  
16 or by court order. A notice of garnishment issued by a state agency must  
17 contain language reasonably designed to notify the garnishee of the pro-  
18 visions of this subsection.

19 “(4) Notwithstanding ORS 18.690, a garnishee who receives a notice of  
20 garnishment issued by a state agency need not deliver a copy of the  
21 garnishee response to the clerk of the court, but must deliver the original  
22 of the response to the state agency.

1       “(5) Notwithstanding ORS 18.700, a challenge to a notice of garnishment  
2 issued by a state agency must be delivered in person or by first class mail  
3 to the state agency within the time specified by ORS 18.700 (2). Upon re-  
4 ceiving a challenge, the state agency shall provide notice of the challenge  
5 in the manner provided by ORS 18.702. Upon a sheriff receiving notice under  
6 ORS 18.702, the sheriff shall proceed as provided by ORS 18.760, except that  
7 upon determination of the challenge by an administrative law judge, the  
8 sheriff shall proceed as directed by the judge. Within 14 days after receiving  
9 the challenge, the state agency must either concede the challenge or give the  
10 person making the challenge opportunity for hearing. If the person making  
11 the challenge requests a hearing, the agency shall immediately refer the  
12 challenge to the Office of Administrative Hearings established under ORS  
13 183.605. The hearing shall be conducted as soon as possible. Notwithstanding  
14 ORS 183.315, the hearing shall be conducted as a contested case hearing. An  
15 issue that was decided in a previous hearing, or for which the debtor was  
16 previously afforded an opportunity for hearing, may not be reconsidered.

17       “(6) If a state agency is issuing a notice of garnishment for collection of  
18 a state tax, and the state agency has reason to believe that the debtor in-  
19 tends to leave the state or do any other act that would jeopardize collection  
20 of the tax, the state agency may issue a special notice of garnishment. Any  
21 earnings, as defined in ORS 18.375, garnished under a special notice of  
22 garnishment are not subject to a claim of exemption under ORS 18.385. A  
23 special notice of garnishment issued under this subsection garnishes only  
24 that property of the debtor that is in the garnishee’s possession, control or  
25 custody at the time the special notice is delivered, including debts not yet  
26 due, and all wages owed by the garnishee to the debtor at the time the spe-  
27 cial notice is delivered. A special notice of garnishment does not act to  
28 garnish wages earned by the debtor by reason of services rendered to the  
29 garnishee after the delivery of the special notice of garnishment.

30       “(7) A special notice of garnishment issued under subsection (6) of this

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

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

9 **“(9) Notwithstanding ORS 18.607 (4), a notice of garnishment issued**  
10 **by the Department of Revenue must include the name of the person**  
11 **issuing the notice on behalf of the department, but need not be signed**  
12 **by that person.**

13 **“SECTION 2. The amendments to ORS 18.855 by section 1 of this**  
14 **2013 Act apply only to notices of garnishment issued on and after**  
15 **January 1, 2014.**

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

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