

D R A F T

SUMMARY

Digest: The Act increases some amounts that are protected from debt collectors. The Act changes some laws about bad debt collection methods. (Flesch Readability Score: 63.2).

Increases certain exemptions from garnishment and execution.

Modifies provisions relating to unfair debt collection practices.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to protections from debt collection; creating new provisions;
3 amending ORS 18.345, 18.348, 18.385, 18.395, 18.402, 18.412, 18.600, 18.618,
4 18.658, 18.785, 18.787, 18.788, 18.790, 18.835, 18.838, 18.840, 18.845, 18.847,
5 18.854, 18.855, 18.888, 18.892, 18.896, 646.639 and 646.641 and ORCP 84 D;
6 repealing ORS 18.784 and 646.643; and prescribing an effective date.

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

8 **SECTION 1.** ORS 18.345 is amended to read:

9 18.345. (1) All property **of a judgment debtor**, including franchises, or
10 rights or interest [*therein, of the judgment debtor, shall be*] **in the judgment**
11 **debtor's property, is** liable to an execution, except as provided in this sec-
12 tion and in other statutes granting exemptions from execution. The following
13 property **of the judgment debtor**, or rights or interest [*therein of the judg-*
14 *ment debtor*] **in the property**, except as provided in ORS 18.305, [*shall be*]
15 **is** exempt from execution:

16 (a) Books, pictures and musical instruments to the value of \$600.

17 (b) Wearing apparel, jewelry and other personal items to the value of
18 \$1,800.

1 (c) The tools, implements, apparatus, team, harness or library, necessary
2 to enable the judgment debtor to carry on the trade, occupation or profession
3 by which the judgment debtor habitually earns a living, to the value of
4 \$5,000.

5 [(d) *A vehicle to the value of \$3,000. As used in this paragraph "vehicle"*
6 *includes an automobile, truck, trailer, truck and trailer or other motor*
7 *vehicle.*]

8 **(d)(A) A vehicle, including an automobile, truck, trailer, truck and**
9 **trailer or other motor vehicle, to the value of \$10,000; or**

10 **(B) If the judgment debtor owes a debt that arises out of a child**
11 **support or spousal support obligation or a money award judgment that**
12 **includes restitution, a vehicle, including an automobile, truck, trailer,**
13 **truck and trailer or other motor vehicle, to the value of \$3,000.**

14 (e) Domestic animals and poultry kept for family use, to the total value
15 of \$1,000 and food sufficient to support such animals and poultry for 60 days.

16 (f) Household goods, furniture, radios, a television set and utensils all to
17 the total value of \$3,000, if the judgment debtor holds the property primarily
18 for the personal, family or household use of the judgment debtor; provisions
19 actually provided for family use and necessary for the support of a
20 householder and family for 60 days and also 60 days' supply of fuel.

21 (g) All property of the state or any county or incorporated city therein,
22 or of any other public or municipal corporation of like character.

23 (h) All professionally prescribed health aids for the **judgment** debtor or
24 a dependent of the **judgment** debtor.

25 (i) Spousal support, child support, or separate maintenance to the extent
26 reasonably necessary for the support of the **judgment** debtor and any de-
27 pendent of the **judgment** debtor.

28 (j) The **judgment** debtor's right to receive, or property that is traceable
29 to, an award under any crime victim reparation law.

30 (k) The **judgment** debtor's right to receive, or property that is traceable
31 to, a payment or payments, not to exceed a total of \$10,000, on account of

1 personal bodily injury of the **judgment** debtor or an individual of whom the
2 **judgment** debtor is a dependent.

3 (L) The **judgment** debtor's right to receive, or property that is traceable
4 to, a payment in compensation of loss of future earnings of the **judgment**
5 debtor or an individual of whom the **judgment** debtor is or was a dependent,
6 to the extent reasonably necessary for the support of the **judgment** debtor
7 and any dependent of the **judgment** debtor.

8 (m) Veterans' benefits and loans.

9 (n) The **judgment** debtor's right to receive an earned income tax credit
10 under the federal tax laws and any moneys that are traceable to a payment
11 of an earned income tax credit under the federal tax laws.

12 (o) The **judgment** debtor's right to the assets held in, or right to receive
13 payments under, a medical savings account or health savings account au-
14 thorized under section 220 or 223 of the Internal Revenue Code.

15 (p) The **judgment** debtor's interest, not to exceed \$400 in value, in any
16 personal property. However, this exemption may not be used to increase the
17 amount of any other exemption.

18 (q) The **judgment** debtor's right to receive a tax credit under ORS
19 315.273, and any moneys that are traceable to a payment of a tax credit under
20 ORS 315.273.

21 (2) If the property claimed by the judgment debtor as exempt is adjudi-
22 cated by the court out of which the execution issued to be of a value in ex-
23 cess of that allowed by the appropriate paragraph of subsection (1) of this
24 section, the officer seizing the property shall proceed to sell such property.
25 Out of the proceeds of such sale, the officer shall deduct costs of sale and
26 shall pay to the judgment debtor an amount equivalent to the value declared
27 to be exempt by any of the paragraphs of subsection (1) of this section and
28 shall apply the balance of the proceeds of sale on the execution. A sale may
29 not be made under such execution unless the highest bid made exceeds the
30 appropriate exemption claimed and allowed plus costs of sale. If no bid is
31 received in excess of the value allowed by the appropriate paragraph of

1 subsection (1) of this section, the costs of sale shall be borne by the judgment
2 creditor.

3 (3) If two or more members of a household are joint judgment debtors,
4 each judgment debtor shall be entitled to claim the exemptions in subsection
5 (1)(a), (b), (c), (d) and (p) of this section in the same or different properties.
6 The exemptions provided by subsection (1)(a), (b), (c), (d), (j), (k) and (p) of
7 this section, when claimed for jointly owned property, may be combined at
8 the option of the **judgment** debtors.

9 (4) Notwithstanding any other provision of law except ORS 657.855, if a
10 writ of garnishment or other execution is issued to collect past due support
11 as defined in ORS 18.600, 50 percent of unemployment compensation benefits,
12 workers' compensation benefits and other benefits paid to the **judgment**
13 debtor by the United States, by the state or by a political subdivision of the
14 state are exempt. The exemption related to unemployment compensation
15 benefits provided by this subsection is subject to ORS 657.855. The ex-
16 emption provided by this subsection applies without regard to whether the
17 payment is made on a periodic basis or in a lump sum, including any lump
18 sum payable pursuant to a settlement or judgment. Notwithstanding sub-
19 section (1)(k) of this section, if a payment is made under a settlement or
20 judgment on account of personal bodily injury and the garnishment or other
21 execution is issued to collect past due support as defined in ORS 18.600, the
22 lesser of 50 percent of the payment or \$7,500 is exempt.

23 **SECTION 2.** ORS 18.348 is amended to read:

24 18.348. (1) Funds that are exempt from execution under ORS 18.358, 18.385,
25 178.345, 238.445, 344.580, 407.595, 411.760, 414.095, 655.530, 656.234, 657.855 and
26 748.207 remain exempt when deposited in an account in a financial institu-
27 tion as long as the exempt funds are reasonably identifiable.

28 (2) Subsection (1) of this section does not apply to any accumulation of
29 funds greater than \$7,500.

30 (3) All funds that are exempt under federal law remain exempt when de-
31 posited in an account in a financial institution as long as the exempt funds

1 are reasonably identifiable.

2 (4) The application of subsections (1) and (3) of this section is not affected
3 by the commingling of exempt and nonexempt funds in an account. For the
4 purpose of identifying exempt funds in an account, first in, first out ac-
5 counting principles shall be used.

6 (5) The provisions of this section do not affect the duties of a garnishee
7 with respect to amounts in accounts that are not subject to garnishment
8 under ORS [~~18.784~~] **18.785**.

9 **SECTION 3.** ORS 18.385 is amended to read:

10 18.385. (1) Except as provided in this section, 75 percent of the disposable
11 earnings of an individual are exempt from execution.

12 (2) **Except as provided in subsection (6) of this section**, the disposable
13 earnings of an individual are exempt from execution to the extent that pay-
14 ment under a garnishment would result in net disposable earnings for an
15 individual of less than the following amounts:

16 [(a) \$254 for any period of one week or less;]

17 [(b) \$509 for any two-week period;]

18 [(c) \$545 for any half-month period;]

19 [(d) \$1,090 for any one-month period; and]

20 [(e) For any other period longer than one week, \$254 multiplied by that
21 fraction produced by dividing the number of days for which the earnings are
22 paid by seven. The amount calculated under this paragraph must be rounded
23 to the nearest dollar.]

24 (a) **For any period of one week or less:**

25 (A) **For wages payable before July 1, 2024, \$254.**

26 (B) **For wages payable on or after July 1, 2024, and before July 1,**
27 **2025, \$353.**

28 (C) **For wages payable on or after July 1, 2025, and before July 1,**
29 **2026, \$434.**

30 (D) **For wages payable on or after July 1, 2026, and before July 1,**
31 **2027, \$487.**

1 (E) For wages payable on or after July 1, 2027, the minimum wage
2 specified in ORS 653.025 (1), multiplied by 40.

3 (b) For any two-week period:

4 (A) For wages payable before July 1, 2024, \$509.

5 (B) For wages payable on or after July 1, 2024, and before July 1,
6 2025, \$707.

7 (C) For wages payable on or after July 1, 2025, and before July 1,
8 2026, \$869.

9 (D) For wages payable on or after July 1, 2026, and before July 1,
10 2027, \$973.

11 (E) For wages payable on or after July 1, 2027, the minimum wage
12 specified in ORS 653.025 (1), multiplied by 80.

13 (c) For any half-month period:

14 (A) For wages payable before July 1, 2024, \$545.

15 (B) For wages payable on or after July 1, 2024, and before July 1,
16 2025, \$766.

17 (C) For wages payable on or after July 1, 2025, and before July 1,
18 2026, \$941.

19 (D) For wages payable on or after July 1, 2026, and before July 1,
20 2027, \$1,054.

21 (E) For wages payable on or after July 1, 2027, the minimum wage
22 specified in ORS 653.025 (1), multiplied by 86.67.

23 (d) For any one-month period:

24 (A) For wages payable before July 1, 2024, \$1,090.

25 (B) For wages payable on or after July 1, 2024, and before July 1,
26 2025, \$1,532.

27 (C) For wages payable on or after July 1, 2025, and before July 1,
28 2026, \$1,883.

29 (D) For wages payable on or after July 1, 2026, and before July 1,
30 2027, \$2,109.

31 (E) For wages payable on or after July 1, 2027, the minimum wage

1 **specified in ORS 653.025 (1), multiplied by 173.33.**

2 **(e) For any other period longer than one week:**

3 **(A) The following amount multiplied by that fraction produced by**
4 **dividing the number of days for which the earnings are paid by seven,**
5 **rounded to the nearest dollar:**

6 **(i) For wages payable before July 1, 2024, \$254.**

7 **(ii) For wages payable on or after July 1, 2024, and before July 1,**
8 **2025, \$353.**

9 **(iii) For wages payable on or after July 1, 2025, and before July 1,**
10 **2026, \$434.**

11 **(iv) For wages payable on or after July 1, 2026, and before July 1,**
12 **2027, \$487.**

13 **(B) For wages payable on or after July 1, 2027, the minimum wage**
14 **specified in ORS 653.025 (1), multiplied by 40 and multiplied again by**
15 **that fraction produced by dividing the number of days for which the**
16 **earnings are paid by seven. The amount calculated under this sub-**
17 **paragraph must be rounded to the nearest dollar.**

18 **(3) The State Court Administrator shall calculate the exemption**
19 **amounts specified in subsection (2) of this section each year on or**
20 **before July 1 and shall publish the results of the calculations on the**
21 **Judicial Department website. In making the calculations, the State**
22 **Court Administrator shall round to the nearest dollar. The adjusted**
23 **exemption amounts become effective on July 1 of the year in which**
24 **the State Court Administrator makes the calculation.**

25 **[(3)] (4) If an individual is paid for a period shorter than one week[.]:**

26 **(a) The exemption calculated under subsection (2) of this section may not**
27 **exceed [254] the following amount for any one-week period[.]:**

28 **(A) For wages payable before July 1, 2024, \$254.**

29 **(B) For wages payable on or after July 1, 2024, and before July 1,**
30 **2025, \$353.**

31 **(C) For wages payable on or after July 1, 2025, and before July 1,**

1 **2026, \$434.**

2 **(D) For wages payable on or after July 1, 2026, and before July 1,**
3 **2027, \$487.**

4 **(E) For wages payable on or after July 1, 2027, the minimum wage**
5 **specified in ORS 653.025 (1), multiplied by 40.**

6 **(b) The exemption calculated under subsection (6) of this section**
7 **may not exceed \$254.**

8 ~~[(4)]~~ **(5)** An employer shall deduct from the amount of disposable earnings
9 determined to be nonexempt under subsections (1) ~~[to (3)]~~, **(2) and (4)** of this
10 section any amounts withheld from the individual's earnings for the same
11 period of time under an order issued pursuant to ORS 25.378 or 419B.408 or
12 ORS chapter 110. The employer shall make payment under a garnishment
13 only of those amounts remaining after the deduction is made.

14 **(6) If a writ of garnishment includes or is attached to a notice from**
15 **a state or federal child support agency, or includes or is attached to**
16 **an attestation that a debt arises out of a child support or spousal**
17 **support obligation or a money award judgment that includes**
18 **restitution, the individual's disposable earnings are exempt only to the**
19 **extent that payment under a garnishment would result in net dispos-**
20 **able earnings for an individual of less than the following amounts:**

21 **(a) \$254 for any period of one week or less;**

22 **(b) \$509 for any two-week period;**

23 **(c) \$545 for any half-month period;**

24 **(d) \$1,090 for any one-month period; and**

25 **(e) For any other period longer than one week, \$254 multiplied by**
26 **the fraction produced by dividing the number of days for which the**
27 **earnings are paid by seven. The amount calculated under this para-**
28 **graph must be rounded to the nearest dollar.**

29 ~~[(5)]~~ **(7)** Subsections (1) to ~~[(4)]~~ **(6)** of this section do not apply to:

30 **(a) Any order of a court of bankruptcy.**

31 **(b) Any debt due for federal tax.**

1 [(6)] (8) Subsections (2) to [(4)] (6) of this section do not apply to any debt
2 due for state tax. Subsection (1) of this section does not apply to a debt due
3 for state tax if a state agency issues a special notice of garnishment under
4 ORS 18.855 (6).

5 [(7)] (9) A court may not make, execute or enforce any order or process
6 in violation of this section.

7 [(8)] (10) Any waiver by an individual of the provisions of this section is
8 void.

9 [(9)] (11) An employer may not discharge any individual because the in-
10 dividual has had earnings garnished.

11 **SECTION 4.** ORS 18.395 is amended to read:

12 18.395. (1)(a) **Except as provided in paragraph (b) of this subsection,**
13 a homestead [*shall be*] **is** exempt from sale on execution, from the lien of
14 every judgment and from liability in any form for the debts of the owner to
15 the amount in value of [<\$40,000>] **\$150,000**, except as otherwise provided by
16 law. The exemption [*shall be*] **is** effective without the necessity of a claim
17 thereof by the judgment debtor. When two or more members of a household
18 are **judgment** debtors whose interests in the homestead are subject to sale
19 on execution, the lien of a judgment or liability in any form, their combined
20 exemptions under this section shall not exceed [<\$50,000>] **\$300,000**.

21 **(b) A homestead is exempt from sale on execution, from the lien**
22 **of every judgment and from liability in any form for the debts of the**
23 **owner arising out of a child support or spousal support obligation or**
24 **a money award judgment that includes restitution to the amount in**
25 **value of \$40,000, except as otherwise provided by law. The exemption**
26 **is effective without the necessity of a claim thereof by the judgment**
27 **debtor. When two or more members of a household are judgment**
28 **debtors whose interests in the homestead are subject to sale on exe-**
29 **cution, the lien of a judgment or liability in any form, their combined**
30 **exemptions under this section shall not exceed \$50,000.**

31 **(c) To qualify for the exemption under paragraph (a) or (b) of this**

1 **subsection**, the homestead must be the actual abode of and occupied by the
2 owner, or the owner's spouse, parent or child, but the exemption shall not
3 be impaired by:

4 [(a)] (A) Temporary removal or temporary absence with the intention to
5 reoccupy the same as a homestead;

6 [(b)] (B) Removal or absence from the property; or

7 [(c)] (C) The sale of the property.

8 (d)(A) **The State Court Administrator shall index the amounts**
9 **identified as exempt from execution under paragraph (a) of this sub-**
10 **section each year on or before July 1 to reflect increases or decreases**
11 **in the cost of living for the previous calendar year, based on changes**
12 **in the Consumer Price Index for All Urban Consumers, West Region**
13 **(All Items), as published by the Bureau of Labor Statistics of the**
14 **United States Department of Labor or a successor agency. The State**
15 **Court Administrator shall publish the adjusted exemption limitations**
16 **on the Judicial Department website. In adjusting the amounts, the**
17 **State Court Administrator shall round to the nearest \$100, but shall**
18 **use unrounded adjusted amounts to calculate the amounts of the ex-**
19 **emptions during the succeeding year. The new amounts become ef-**
20 **fective on July 1 of the year in which the State Court Administrator**
21 **makes the adjustment.**

22 (B) **The indexing described in subparagraph (A) of this paragraph**
23 **does not apply to the amount of any exemption specified for a debt**
24 **that arises out of a child support or spousal support obligation or a**
25 **money award judgment that includes restitution.**

26 (2) The exemption [*shall extend*] **extends** to the proceeds derived from
27 [*such sale to an amount not exceeding \$40,000 or \$50,000, whichever amount*]
28 **selling the homestead in the amount that** is applicable under subsection
29 (1)(a) or (b) of this section, if the proceeds are held for a period not ex-
30 ceeding one year and held with the intention to procure another homestead
31 therewith.

1 (3) The exemption period under subsection [(1)(b) and (c)] **(1)(c)(B) and**
2 **(C)** of this section [*shall be*] **is** one year from the removal, absence or sale,
3 whichever occurs first.

4 (4) When the owner of a homestead has been granted a discharge in
5 bankruptcy or has conveyed the homestead property, the value thereof, for
6 the purpose of determining a leviable interest in excess of the homestead
7 exemption, [*shall be*] **is** the value on the date of the petition in bankruptcy,
8 whether the value is determined in the bankruptcy proceedings or not, or on
9 the date the conveyance becomes effective, whichever [*shall first occur*] **oc-**
10 **curs first**. However, with respect to judgments not discharged in the bank-
11 ruptcy, or entered against the owner after discharge, the value on the
12 effective date of conveyance [*shall be*] **is** controlling.

13 (5) Except as provided in subsection (7) of this section, [*no*] **a** homestead
14 that is the actual abode of and occupied by the judgment debtor, or that is
15 the actual abode of and occupied by a spouse, dependent parent or dependent
16 child of the judgment debtor, [*shall*] **may not** be sold on execution to satisfy
17 a judgment that at the time of entry does not exceed \$3,000. However, such
18 judgment [*shall remain*] **remains** a lien upon the real property, and the
19 property may be sold on execution:

20 (a) At any time after the sale of the property by the judgment debtor; and

21 (b) At any time after the property is no longer the actual abode of and
22 occupied by the judgment debtor or the spouse, dependent parent or depend-
23 ent child of the judgment debtor.

24 (6) The limitation on execution sales imposed by subsection (5) of this
25 section is not impaired by temporary removal or temporary absence with the
26 intention to reoccupy the property as a homestead.

27 (7) The limitation on execution sales imposed by subsection (5) of this
28 section does not apply if two or more judgments are owing to a single judg-
29 ment creditor and the total amount owing to the judgment creditor, deter-
30 mined by adding the amount of each individual judgment as of the date the
31 judgment was entered, is greater than \$3,000.

1 (8) Upon the issuance of an order authorizing sale as required by ORS
2 18.904, and in conformance with subsection (5) of this section, the sheriff
3 may proceed to sell the property. If the homestead exemption applies, the
4 sheriff shall pay the homestead owner out of the proceeds the [sum of \$40,000
5 or \$50,000, whichever is applicable,] **applicable amount under subsection**
6 **(1)(a) or (b) of this section** and apply the balance of the proceeds on the
7 execution. However, [no sale shall be made where the homestead] **the sheriff**
8 **may not sell the homestead if an** exemption applies unless the sum bid for
9 the homestead [is in excess of the sum of the costs of sale and \$40,000 or
10 \$50,000, whichever is applicable] **exceeds the sum of the costs of the sale**
11 **and the amount of the applicable exemption.** If no such bid is received,
12 the **petitioner shall bear the** expense of the sale [shall be borne by the
13 petitioner].

14 (9) The homestead exemption provided by this section applies to a
15 purchaser's interest under a land sale contract, as defined by ORS 18.960.

16 (10) The homestead exemption provided by this section applies to:

17 (a) A floating home, as defined by ORS 830.700; and

18 (b) A manufactured dwelling, as defined by ORS 446.003.

19 **SECTION 5.** ORS 18.402 is amended to read:

20 18.402. [The homestead mentioned in ORS 18.395 shall consist] **A home-**
21 **stead described in ORS 18.395 consists**, when not located in any town or
22 city laid off into blocks and lots, of any quantity of land not exceeding 160
23 acres, and when located in any such town or city, of any quantity of land
24 not exceeding one block. However, a homestead under this section [shall not
25 exceed in value the sum of \$40,000 or \$50,000, whichever amount is applicable
26 under] **may not exceed in value the applicable amount specified in ORS**
27 **18.395 (1).**

28 **SECTION 6.** ORS 18.412 is amended to read:

29 18.412. (1) At any time after the date of execution of an agreement to
30 transfer the ownership of property in which a homestead exemption exists
31 pursuant to ORS 18.395, the homestead owner or the owner's transferee may

1 give notice of intent to discharge the property from the judgment lien to a
2 judgment creditor. Each notice [*shall*] **must** bear the caption of the action
3 in which the judgment was recovered and [*shall*] **must**:

4 (a) Identify the property and the judgment and state that the judgment
5 debtor is about to transfer, or has transferred, the property and that the
6 transfer is intended to discharge the property from any lien effect of the
7 judgment;

8 (b) State the fair market value of the property on the date of the notice
9 or of any applicable petition in bankruptcy, whichever is applicable, and list
10 the encumbrances against the property, including the nature and date of each
11 encumbrance, the name of the encumbrancer and the amount presently se-
12 cured by each encumbrance;

13 (c) State that the property is claimed by the person giving the notice to
14 be wholly exempt from the lien of the judgment or, if the value of the prop-
15 erty exceeds the sum of the encumbrances specified as required under para-
16 graph (b) of this subsection that are senior to the judgment lien and [*\$40,000*
17 *or \$50,000, whichever amount of the homestead exemption is applicable under*]
18 **the applicable amount of the homestead exemption specified in** ORS
19 18.395 (1), that the amount of the excess or the amount due on the judgment,
20 whichever is less, will be deposited with the court administrator for the
21 court in which the judgment was entered for the use of the judgment holder;
22 and

23 (d) Advise the holder of the judgment that the property may be discharged
24 from any lien arising from the judgment, without further notice to the
25 judgment creditor, unless prior to a specified date, which in no case may be
26 earlier than 14 days after the date of mailing of the notice, the judgment
27 creditor files objections and a request for a hearing on the matter as pro-
28 vided in ORS 18.415.

29 (2) Each notice described by subsection (1) of this section [*shall*] **must**
30 be sent by certified mail to the judgment creditor, as shown by the court
31 records, at the judgment creditor's present or last-known address according

1 to the best knowledge of the person sending the notice. A copy of each no-
2 tice, together with proof of mailing, may be filed with the court administra-
3 tor for the court in which the judgment was entered and [*shall*] **must** be
4 filed by the court administrator with the records and files of the action in
5 which the judgment was recovered.

6 **SECTION 7.** ORS 18.600 is amended to read:

7 18.600. As used in ORS 18.600 to 18.850:

8 (1) “Account” means an account at a financial institution, including a
9 master account or subaccount, to which an electronic payment may be di-
10 rectly routed.

11 (2) “Check” has the meaning given that term in ORS 73.0104.

12 (3) “Creditor” means a person to whom a debt is owed by a debtor.

13 (4) “Debt” means any monetary obligation for which a garnishment may
14 be issued under ORS 18.605.

15 (5) “Debtor” means a person whose property is being garnished for the
16 purpose of paying a debt owed to a creditor.

17 (6) “Federal benefit payment” means:

18 (a) A benefit payment from the United States Social Security Adminis-
19 tration that is protected under 42 U.S.C. 407 and 1383(d)(1);

20 (b) A benefit payment from the United States Department of Veterans
21 Affairs that is protected under 38 U.S.C. 5301(a);

22 (c) A benefit payment from the Railroad Retirement Board that is pro-
23 tected under 45 U.S.C. 231m(a) and 352(e); or

24 (d) A benefit payment from the United States Office of Personnel Man-
25 agement that is protected under 5 U.S.C. 8346 and 8470.

26 (7) “Financial institution” means a financial institution or trust company
27 as those terms are defined in ORS 706.008.

28 (8) “Garnishable property” means all property described in ORS 18.615,
29 but does not include:

30 (a) Any property that is not subject to garnishment under ORS 18.618; and

31 (b) Any property that is applied as a setoff under ORS 18.620 or 18.795.

1 (9) “Garnishee” means a person to whom a writ of garnishment has been
2 delivered.

3 (10) “Garnishment account review” means the process of examining de-
4 posits to an account to determine whether benefit payments described in ORS
5 [18.784 (3)] **18.785 (2)(c)** have been deposited in the account during the
6 lookback period **described in ORS 18.785 (2)(d)**.

7 (11) “Garnishor” means:

8 (a) The creditor, if the writ is issued by the court administrator on behalf
9 of the creditor under ORS 18.635 (2); or

10 (b) The issuer, if the writ is issued under ORS 18.635 by any person other
11 than the court administrator.

12 (12) “Past due support” means the amount of child or spousal support, or
13 both, determined under a court or administrative order in a proceeding under
14 ORS 25.501 to 25.556 or ORS chapter 107, 108, 109, 110, 419B or 419C that has
15 not been paid or is certified to be owed by another state under ORS 25.083.

16 (13) “Wages” includes all amounts paid for the services of an employee
17 by an employer, including amounts paid as a commission or bonus.

18 (14) “Writ” means a writ of garnishment.

19 **SECTION 8.** ORS 18.618 is amended to read:

20 18.618. (1)(a) Notwithstanding ORS 18.615, the following are not
21 garnishable property:

22 (A) Equitable interests, except to the extent allowed under ORS chapter
23 130.

24 (B) Property in the custody of the law.

25 (C) Property in the possession of a conservator.

26 (D) Property in the possession of a personal representative that consti-
27 tutes the subject matter of a trust contained in a duly probated will of a
28 decedent.

29 (E) If a residential landlord is the garnishee, property in the possession
30 of a residential landlord that is held as a security deposit or prepaid rent
31 under ORS 90.300.

1 (F) The right of a seller under a land sale contract, as defined by ORS
2 18.960, to receive payments that are due more than 45 days after the writ of
3 garnishment is delivered.

4 (G) Amounts in an account in a financial institution that are not subject
5 to garnishment under ORS [~~18.784~~] **18.785**.

6 (H) An identification document, such as a driver license, passport, certi-
7 fied copy of a record of live birth or Social Security card.

8 (b) If a garnishee holds any property described in paragraph (a) of this
9 subsection, the garnishee must note in the garnishee response required by
10 ORS 18.680 that the garnishee holds the property, but may not deliver the
11 property to the garnishor.

12 (2)(a) Notwithstanding ORS 18.615, wages owing by a garnishee to a
13 debtor for a specific pay period are not garnishable property if:

14 (A) The writ is delivered within two business days before the debtor's
15 normal payday for the pay period;

16 (B) When the writ is delivered to the garnishee, the debtor's wages are
17 paid by direct deposit to a financial institution, or the garnishee uses the
18 Oregon Department of Administrative Services or an independent contractor
19 as defined in ORS 670.600 as payroll administrator for the garnishee's pay-
20 roll; and

21 (C) Before the writ is delivered to the garnishee, the garnishee issued
22 instructions to the financial institution or the payroll administrator to pay
23 the debtor for the pay period.

24 (b) If a garnishee owes any wages as described in paragraph (a) of this
25 subsection, the garnishee must so note in the garnishee response required
26 by ORS 18.680.

27 (3) Notwithstanding any other provision of law, if a voluntary or invol-
28 untary bankruptcy petition has been filed by or on behalf of the debtor after
29 a writ of garnishment could be issued under ORS 18.605, the garnishment of
30 any property of the debtor in the garnishee's possession, control or custody
31 is stayed pursuant to section 362 of the United States Bankruptcy Code (11

1 U.S.C. 101 to 1330).

2 **SECTION 9.** ORS 18.658 is amended to read:

3 18.658. (1) Following delivery of a writ of garnishment to a garnishee, the
4 person who delivered the writ must mail or deliver promptly the following
5 documents to the debtor whose property is being garnished by the writ:

6 (a) A copy of the writ of garnishment.

7 (b) The original of the debt calculation form.

8 (c) A notice of exemptions form in substantially the form provided by ORS
9 18.845 **or section 19 of this 2024 Act, as appropriate.**

10 (d) A challenge to garnishment form in substantially the form provided
11 by ORS 18.850, with the names and addresses of the garnishor and garnishee
12 entered by the garnishor.

13 (2) A person serving a writ of garnishment may meet the requirements
14 of subsection (1) of this section by mailing the documents to the address of
15 the debtor that appears in the writ of garnishment. If an address for the
16 debtor does not appear in the writ, the person serving the writ need not
17 comply with subsection (1) of this section.

18 **SECTION 10.** ORS 18.785 is amended to read:

19 18.785. *[(1) Except as provided in this section, if a financial institution de-*
20 *termines from a garnishment account review conducted under ORS 18.784 (1)*
21 *that one or more payments described in ORS 18.784 (3) have been deposited*
22 *into the debtor's account by direct deposit or electronic payment during the*
23 *lookback period described in ORS 18.784 (2), and there is a positive balance*
24 *in the account at the time the garnishment account review is conducted, the*
25 *financial institution shall:]*

26 *[(a) Immediately calculate and establish the amount in the debtor's account*
27 *that is not subject to garnishment and ensure that the debtor has full cus-*
28 *tomary access to that amount; and]*

29 *[(b) Issue a notice to the account holder in substantially the form set forth*
30 *in ORS 18.847.]*

31 *[(2) A financial institution shall issue the notice required by this section*

1 *directly to the account holder or to a fiduciary who administers the account*
2 *and receives communications on behalf of the account holder.]*

3 *[(3) The notice required by this section must be sent separately to the debtor*
4 *and may not be included with other materials being provided to the debtor by*
5 *the financial institution that do not relate to the garnishment.]*

6 *[(4) The notice required by this section must be sent to the account holder*
7 *within three business days after the financial institution completes the*
8 *garnishment account review required by ORS 18.784 (1).]*

9 *[(5) A financial institution shall perform the calculation described in sub-*
10 *section (1) of this section for each account of the account holder. However, the*
11 *financial institution may issue a single notice under this section for multiple*
12 *accounts of the same account holder.]*

13 *[(6) Issuance of a notice under this section does not constitute the giving*
14 *of legal advice and a financial institution is not obligated to provide legal*
15 *advice by reason of issuing a notice required by this section.]*

16 **(1) As used in this section:**

17 **(a) “Base protected account balance” means the amount not subject**
18 **to garnishment calculated under subsection (2)(i) of this section.**

19 **(b) “Garnishment account review” means the review conducted**
20 **under subsection (2)(c) of this section.**

21 **(c) “Lookback period” means the period described in subsection**
22 **(2)(d) of this section.**

23 **(2)(a)(A) If a financial institution receives a writ of garnishment for**
24 **a debtor that has an account with the financial institution, the fi-**
25 **ancial institution shall first determine whether the writ of**
26 **garnishment includes a Notice of Right to Garnish Federal Benefits**
27 **from the United States Government or from a state child support**
28 **enforcement agency, as provided in 31 C.F.R. part 212.**

29 **(B) If the writ of garnishment includes a Notice of Right to Garnish**
30 **Federal Benefits, the provisions of paragraphs (b) to (i) of this sub-**
31 **section do not apply to the writ of garnishment and the financial in-**

1 **stitution shall proceed on the garnishment as provided in ORS 18.600**
2 **to 18.850.**

3 **(C) If the writ of garnishment does not include a Notice of Right**
4 **to Garnish Federal Benefits, the financial institution shall imme-**
5 **diately calculate and establish the total amount in all of the accounts**
6 **the debtor has with the financial institution.**

7 **(b) If the total of the amounts in all of a debtor's accounts with the**
8 **financial institution does not exceed the base protected account bal-**
9 **ance, the financial institution shall provide full customary access to**
10 **the amounts in the debtor's accounts with the financial institution.**

11 **(c) If a financial institution finds under paragraph (a)(C) of this**
12 **subsection that the total amount in all of a debtor's accounts with the**
13 **financial institution exceeds the base protected account balance, the**
14 **financial institution shall:**

15 **(A) Provide full customary access to the base protected account**
16 **balance; and**

17 **(B) Conduct a garnishment account review to determine whether**
18 **one or more of the payments listed in this subparagraph were made**
19 **to any of the debtor's accounts by direct deposit or electronic transfer**
20 **within the lookback period. The payments a financial institution must**
21 **look for during a garnishment account review are:**

22 **(i) Federal benefit payments;**

23 **(ii) Payments from a public or private retirement plan as defined**
24 **in ORS 18.358;**

25 **(iii) Public assistance payments or medical assistance, as defined in**
26 **ORS 414.025, from the State of Oregon or an agency of the State of**
27 **Oregon;**

28 **(iv) Unemployment compensation payments from the State of**
29 **Oregon or an agency of the State of Oregon;**

30 **(v) Black lung benefits payments from the United States Depart-**
31 **ment of Labor; and**

1 (vi) Workers' compensation payments from a workers' compen-
2 sation carrier.

3 (d) The lookback period during which a financial institution must
4 determine whether a payment listed in paragraph (c) of this subsection
5 was made to a debtor's account with the financial institution:

6 (A) Ends on the day before the day on which the financial institu-
7 tion conducts the garnishment account review; and

8 (B) Begins:

9 (i) On the day in the second calendar month preceding the month
10 in which the financial institution conducts the garnishment account
11 review that has the same number as the day on which the lookback
12 period ends; or

13 (ii) On the last day of the second calendar month preceding the
14 month in which the financial institution conducts the garnishment
15 account review, if the day described in sub-subparagraph (i) of this
16 subparagraph does not exist.

17 (e)(A) If a financial institution determines after conducting a
18 garnishment account review that a payment listed in paragraph (c) of
19 this subsection was made by direct deposit or electronic transfer to
20 an account the debtor has with the financial institution within the
21 lookback period, the financial institution shall provide the debtor with
22 full customary access to the sum of the following amounts, which are
23 not subject to garnishment:

24 (i) The base protected account balance; and

25 (ii) The amount by which the sum of all payments listed in para-
26 graph (c) of this subsection that were made by direct deposit or elec-
27 tronic transfer to the debtor's accounts with the financial institution
28 within the lookback period exceeds the base protected account bal-
29 ance.

30 (B) The amounts in subparagraph (A) of this paragraph are calcu-
31 lated as of the effective date and time of the garnishment, but before

1 the financial institution conducts the garnishment account review,
2 and are not affected by withdrawals of funds by the debtor after the
3 effective date and time of the garnishment.

4 (f) A financial institution that conducts a garnishment account re-
5 view shall proceed to deliver to the garnishor under ORS 18.600 to
6 18.850 any amount that exceeds an amount not subject to garnishment
7 described in paragraph (e) of this subsection.

8 (g) A financial institution shall perform a garnishment account re-
9 view only one time for a specific garnishment. If the same writ of
10 garnishment is served on a financial institution more than once, the
11 financial institution may not perform a garnishment account review
12 or take any other action relating to the garnishment based on the
13 second and any subsequent service of the writ of garnishment.

14 (h) The provisions of this subsection do not affect a debtor's ability
15 to claim any exemption that otherwise is available to the debtor under
16 law for any amounts in an account in a financial institution.

17 (i) The initial base protected account balance is the combined total
18 of \$2,500 in all of a debtor's accounts in the financial institution. The
19 State Court Administrator shall index the base protected account bal-
20 ance amount each year on or before July 1 to reflect increases or de-
21 creases in the cost of living for the previous calendar year, based on
22 changes in the Consumer Price Index for All Urban Consumers, West
23 Region (All Items), as published by the Bureau of Labor Statistics of
24 the United States Department of Labor or a successor agency. The
25 State Court Administrator shall publish the adjusted exemption on the
26 Judicial Department website. In adjusting the exempted amount, the
27 State Court Administrator shall round to the nearest \$100, but shall
28 use the unrounded adjusted amount to calculate the exempted amount
29 for the succeeding year. The new exempted amount becomes effective
30 on July 1 of the year in which the State Court Administrator makes
31 the adjustment and becomes the amount that the State Court Ad-

1 **ministrator must adjust in the succeeding year.**

2 **(3) A financial institution that conducts the garnishment account**
3 **review described in subsection (2)(c) of this section shall, within three**
4 **business days after conducting the garnishment account review, notify**
5 **the debtor, or a fiduciary that administers the debtor's accounts and**
6 **receives communications on behalf of the debtor, of the financial**
7 **institution's actions. The financial institution shall provide the notice**
8 **in substantially the form specified in ORS 18.847 and must send the**
9 **notice to the debtor or fiduciary separately, not as part of any com-**
10 **munications unrelated to the garnishment that the financial institu-**
11 **tion provides to the debtor or fiduciary.**

12 **(4) A financial institution must perform the calculations described**
13 **in subsection (2)(c) of this section for each of the debtor's accounts**
14 **with the financial institution, but may issue a single notice under**
15 **subsection (3) of this section for multiple accounts of the same ac-**
16 **count holder.**

17 **(5) Issuing a notice under subsection (3) of this section does not**
18 **constitute giving legal advice. A financial institution is not obligated**
19 **to provide legal advice by reason of issuing a notice under subsection**
20 **(3) of this section.**

21 **(6) The provisions of subsection (2)(c), (d), (e) and (f) of this section**
22 **apply only to payments that a financial institution can identify, from**
23 **information the payer transmits to the financial institution, as one**
24 **of the types of payments listed in subsection (2)(c) of this section.**

25 **SECTION 11.** ORS 18.787 is amended to read:

26 18.787. A financial institution is not liable to any account holder,
27 garnishor or other financial institution, and may not be assessed any pen-
28 alty, by reason of any action taken by the financial institution in good faith
29 under ORS [*18.784 or*] 18.785, including:

30 (1) Delivery or refusal to deliver any funds that are not subject to
31 garnishment under ORS [*18.784*] **18.785** to a garnishor;

1 (2) Providing the notice required [*by this section*] **under ORS 18.785** to
2 an account holder;

3 (3) Customary clearing and settlement adjustments made to a debtor's
4 account that affect the balance in the debtor's account; and

5 (4) Any bona fide errors that occur under ORS [*18.784 or*] 18.785 despite
6 reasonable procedures implemented by the financial institution to prevent
7 those errors.

8 **SECTION 12.** ORS 18.788 is amended to read:

9 18.788. A financial institution shall maintain records of account activity
10 and actions taken by the financial institution in response to a garnishment
11 that are adequate to demonstrate compliance with the requirements of ORS
12 [*18.784 and*] 18.785 for a period of not less than two years after the financial
13 institution receives the writ of garnishment.

14 **SECTION 13.** ORS 18.790 is amended to read:

15 18.790. (1) Except as provided in subsection (4) of this section, at the time
16 of delivery of any writ of garnishment on a financial institution or at the
17 time a notice of garnishment is delivered to the financial institution under
18 ORS 18.854:

19 (a) A search fee of \$10 must be paid to the financial institution if the
20 garnishor is the Department of Revenue.

21 (b) A search fee of \$15 must be paid to the financial institution if the
22 garnishor is a person other than the department.

23 (2) A separate search fee must be paid under this section to the financial
24 institution for each debtor if the writ is issued for more than one debtor
25 under ORS 18.607 (5).

26 (3) If the search fee required under this section is not paid:

27 (a) The garnishment is not effective to garnish any property of the debtor;
28 and

29 (b) The financial institution need not file a garnishee response.

30 (4) The search fee required under this section need not be paid to a fi-
31 nancial institution if the debtor is an employee of the financial institution.

1 (5) Notwithstanding subsection (1) of this section, a financial institution
2 may enter into an agreement with any state agency authorized to garnish
3 pursuant to ORS 18.645 or 18.854 for periodic billing and payment of
4 garnishee search fees required under this section.

5 (6) The right of a financial institution to receive the search fee required
6 under this section does not in any way restrict or impair the right of the
7 financial institution to charge and collect an additional garnishment pro-
8 cessing fee from any debtor whose property the financial institution holds,
9 or to whom the financial institution owes money. However, a financial in-
10 stitution may not charge or collect a garnishment processing fee in violation
11 of ORS 652.610. If a financial institution charges a garnishment processing
12 fee, the financial institution may collect the fee by deducting the amount of
13 the fee from any amount that the financial institution owes to the debtor.

14 (7) If a garnishment account review reveals that a payment **listed in ORS**
15 **18.785 (2)(c)** was made by direct deposit or electronic payment to the debtor's
16 account during the lookback period described in ORS [18.784 (2)] **18.785**
17 **(2)(d)**, the financial institution may not charge or collect a garnishment
18 processing fee under subsection (6) of this section against the amount that
19 is not subject to garnishment, and may not charge or collect a garnishment
20 processing fee under subsection (6) of this section against any amounts in
21 the account after the date of the garnishment account review.

22 **SECTION 14.** ORS 18.835 is amended to read:

23 18.835. A garnishee response must be in substantially the following form:

24 _____

25 _____ COURT

26 COUNTY OF _____

27

28 _____)

29 Plaintiff,) GARNISHEE

30) RESPONSE

31 vs.) Case No. _____

1)
2 _____)
3 Defendant.)

4

5 The writ of garnishment was delivered to me on the ____ day of _____,
6 2__. The following responses are accurate and complete as of that date.

7

8

PART I: DEBTOR'S PROPERTY

9

GENERALLY

10

(ALL GARNISHEES MUST FILL OUT

11

THIS PORTION OF THE RESPONSE)

12

13 Place a check in front of all the following statements that apply. You may
14 need to check more than one statement.

15

16 — I have discovered that a voluntary or involuntary bankruptcy petition
17 has been filed by or on behalf of the Debtor after the date shown on
18 the face of the writ as the date on which the judgment was entered
19 against the Debtor or after the debt otherwise became subject to
20 garnishment. (You need not complete any other part of this response,
21 but you must sign the response and deliver it in the manner specified
22 in Step 2 of the Instructions to Garnishee form.)

23

24 — I do not employ the Debtor, I do not have in my possession, control
25 or custody any personal property of the Debtor, and I do not owe any
26 debts or other obligations to the Debtor.

27

28 — I employ the Debtor. (You must complete Part II of this response.)

29

30 — I have in my possession, control or custody garnishable money that
31 belongs to the Debtor (other than wages), or I owe a debt or other

1 obligation to the Debtor (other than wages) that is due as of the time
2 of this response. I am forwarding this money, or enough of it to satisfy
3 the garnishment, to the Garnishor.

4

5 — I owe a debt or other obligation to the Debtor (other than wages) that
6 was not due as of the time of this response but will become due within
7 45 days after the writ was delivered to me. I will forward the money,
8 or enough of it to satisfy the garnishment, to the Garnishor when the
9 debt or other obligation becomes due.

10

11 — I owe the following debt or other obligation to the Debtor (other than
12 wages) that will not become due within 45 days after the date that the
13 writ was delivered to me. I will not make any payments on the debt
14 or obligation until I receive instructions from the Sheriff or until 30
15 days have passed from the date on which I deliver this response. (See
16 Instructions to Garnishee form.)

17

18 _____

19

20 _____

21

22 _____

23

24 _____

25

26 — I have in my possession, control or custody the following personal
27 property (other than money) that belongs to the Debtor. I will hold
28 all of the property for the Garnishor until I receive instructions from
29 the Sheriff or until 30 days have passed from the date on which I de-
30 liver this response. (See Instructions to Garnishee form.)

31

1 _____
2
3 _____
4
5 _____
6
7 _____
8

9 — I may owe money to or hold property of the Debtor, but I am not sure
10 what or how much it might be. (You must provide an explanation in
11 the following space and you must deliver an amended response when
12 you find out. You must deliver an amended response even if you find
13 out that you have no property of the Debtor or owe no money to the
14 Debtor.)

15
16 _____
17
18 _____
19
20 _____
21
22 _____

23
24 — (FINANCIAL INSTITUTIONS ONLY) We hold one or more accounts
25 for the Debtor, of which \$_____ is not subject to garnishment under
26 ORS [18.784] **18.785**. We are forwarding all other garnishable amounts,
27 or enough of it to satisfy the garnishment, to the Garnishor.

28
29 _____
30
31 _____

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— The writ of garnishment delivered to me, on its face, does not comply with the Oregon laws governing writs of garnishment, or I cannot determine the identity of the Debtor from the information in the writ. (You must provide an explanation in the following space.)

— I have received an order to withhold income that applies to the income of the Debtor. The order to withhold income has priority over the writ of garnishment, and compliance with the order will reduce or eliminate the money that I would otherwise deliver under the writ. (Provide details, including the name of the agency serving the order to withhold income, the date the order was served on you and the amount to be withheld. If you employ the Debtor, you must still complete Part II of this response.)

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I have received notice of a challenge to the garnishment. I will deliver to the court administrator all money that I would otherwise deliver to the Garnishor. (See Step 3 of Instructions to Garnishee form.)

Other (Explain)

**PART II: DEBTOR’S EMPLOYER
(GARNISHEES WHO EMPLOY THE
DEBTOR MUST FILL OUT THIS
PORTION OF THE RESPONSE)**

22
23
24
25
26
27
28

Place a check in front of all the following statements that apply. You may need to check more than one statement.

NOTE: THE LAW PROHIBITS DISCHARGE OF THE DEBTOR FROM EMPLOYMENT BY REASON OF GARNISHMENT.

I employ the Debtor. The Debtor is paid on a _____ basis (insert “weekly,” “monthly” or other pay period). Wages will next be payable to the Debtor on the ____ day of _____, 2___. I will complete a Wage

1 Exemption Calculation form for each payment of wages that is made
2 during the 90-day period immediately following the date that the writ
3 of garnishment was delivered to me. I will also complete a Wage Ex-
4 emption Calculation form for the payday immediately following the
5 end of the 90-day period. I will forward to the Garnishor on each of
6 these occasions those wages calculated to be subject to garnishment,
7 or enough of those wages to satisfy the garnishment.

8
9 — I had already received a writ of garnishment from another Garnishor
10 before this writ was delivered to me. Under Oregon law, the previous
11 writ has priority. The previous writ will terminate on the ____ day of
12 _____, 2__.

13 _____
14 I hereby certify that I have fully and accurately completed this garnishee
15 response.

16
17 Dated _____, 2__

18
19 _____
20 Name of Garnishee

21
22 _____
23 Signature

24
25 Telephone number _____

26
27 Fax number (if available) _____

28
29 _____
30 Address

31 _____

1 **SECTION 15.** ORS 18.838 is amended to read:

2 18.838. Instructions to garnishees must be in substantially the following
3 form:

4 _____
5 INSTRUCTIONS TO GARNISHEE
6

7 Except as specifically provided in these instructions, you must complete
8 and deliver the Garnishee Response within seven calendar days after you
9 receive the writ of garnishment. If the writ does not comply with Oregon
10 law, the writ is not effective to garnish any property of the Debtor, but you
11 still must complete and deliver the Garnishee Response. You must complete
12 and deliver the response even though you cannot determine from the writ
13 whether you hold any property or owe any debt to the Debtor. If the seventh
14 calendar day is a Saturday, Sunday or legal holiday, you must deliver your
15 response on or before the next following day that is not a Saturday, Sunday
16 or legal holiday.

17
18 The writ is not effective, and you need not make a Garnishee Response,
19 if:

- 20
- 21 • You do not receive the writ within 60 days after the date of issuance
22 shown on the face of the writ.
 - 23
 - 24 • You do not receive an original writ of garnishment or a copy of the
25 writ.
 - 26

27 Statutes that may affect your rights and duties under the writ can be
28 found in ORS 18.600 to 18.850.

29
30 NOTE: The Garnishor may be the Creditor, the attorney for the Creditor
31 or some other person who is authorized by law to issue the writ of

1 garnishment. See the writ to determine who the Garnishor is.

2

3 STEP 1. FILL OUT THE GARNISHEE RESPONSE.

4

5 All garnishees who are required to deliver a garnishee response must fill
6 in Part I of the Garnishee Response. Garnishees who employ the Debtor must
7 also fill in Part II of the response. You should keep a copy of the response
8 for your records.

9

10 Completing Part I of the Garnishee Response. If you discover before you
11 deliver your response that a bankruptcy petition has been filed by or on be-
12 half of the Debtor, and the bankruptcy petition was filed after a judgment
13 was entered against the Debtor or after the debt otherwise became subject
14 to garnishment (see the date specified in the writ), you must put a check by
15 the appropriate statement in Part I. If a bankruptcy petition has been filed,
16 you should not make any payments to the Garnishor unless the court orders
17 otherwise. You need not complete any other part of the response, but you
18 still must sign the response and deliver it in the manner described in Step
19 2 of these instructions.

20 In all other cases you must list in Part I all money and personal property
21 of the Debtor that is in your possession, control or custody at the time of
22 delivery of the writ. You must also list all debts that you owe to the Debtor,
23 whether or not those debts are currently due (e.g., money loaned to you by
24 the Debtor that is to be repaid at a later time).

25 If you are the employer of the Debtor at the time the writ is delivered to
26 you, you must put a check by the appropriate statement in Part I. In addi-
27 tion, you must complete Part II of the response.

28 If you believe that you may hold property of the Debtor or that you owe
29 a debt to the Debtor, but you are not sure, you must put a check by the
30 appropriate statement and provide an explanation. When you find out what
31 property you hold that belongs to the Debtor, or you find out whether you

1 owe money to the Debtor and how much, you must prepare and deliver an
2 amended response. You must do this even if you find out that you have no
3 property of the Debtor or that you do not owe anything to the Debtor.

4 If you determine that the writ, on its face, does not comply with Oregon
5 laws governing writs of garnishment, or if you are unable to determine the
6 identity of the Debtor from the information in the writ, then the writ is not
7 effective to garnish any property of the Debtor. You must put a check by the
8 appropriate statement in Part I and provide an explanation. You still must
9 complete the response and deliver the response in the manner described in
10 Step 2 of these instructions.

11 If you have received an order to withhold income that applies to the in-
12 come of the Debtor and that order has priority over the garnishment, and if
13 compliance with the order will reduce or eliminate the money or property
14 that you would otherwise deliver under the garnishment, you must put a
15 check by the appropriate statement in Part I. You still must fill out the re-
16 mainder of the response and deliver the response in the manner described in
17 Step 2 of these instructions. If you employ the Debtor, you still must com-
18 plete Part II of the response.

19 If you receive notice of a challenge to the garnishment before you send
20 your response, you must complete and deliver your response as otherwise
21 required by these instructions. However, see Step 3 of these instructions re-
22 garding payment of money or delivery of property after receipt of notice of
23 a challenge to the garnishment.

24 If you owe a debt to the Debtor and the Debtor owes a debt to the holder
25 of an underlying lien on your property, you may be able to offset the amount
26 payable to the underlying lienholder. See ORS 18.620. You must note that
27 you have made the offset in Part I of the response (under “Other”) and
28 specify the amount that was offset.

29

30 Completing Part II of the Garnishee Response (employers only). You must
31 fill in Part II of the response if you employ the Debtor on the date the writ

1 of garnishment is delivered to you, or if you previously employed the Debtor
2 and still owe wages to the Debtor on the date the writ is delivered to you.

3

4 Wages affected. Except as provided below, the writ garnishes all wages
5 that you owe to the Debtor for work performed before the date you received
6 the writ, even though the wages will not be paid until a later date. The writ
7 also garnishes all wages that are attributable to services performed during
8 the 90-day period following the date you received the writ, even though you
9 would not pay the Debtor for all or part of those services until after the end
10 of the 90-day period. Wages subject to garnishment under the writ include
11 all amounts paid by you as an employer, whether on an hourly, weekly or
12 monthly basis, and include commission payments and bonuses.

13

14 Example 1: Debtor A is employed by you and is paid a monthly salary
15 on the first day of each month. You receive a writ of garnishment on
16 July 17. The writ garnishes all wages that you owe to Debtor A for
17 work performed on or before July 17. If Debtor A was paid on July 1
18 for services performed in the month of June, the writ garnishes Debtor
19 A's salary for the period beginning July 1 and ending October 15 (90
20 days after receipt of the writ).

21

22 The writ does not garnish any wages you owe to a Debtor for a specific
23 pay period if:

24 (a) The writ is delivered to you within two business days before the
25 Debtor's normal payday for the pay period;

26 (b) When the writ is delivered to you, the Debtor's wages are paid by di-
27 rect deposit to a financial institution, or you use an independent contractor
28 as payroll administrator for your payroll; and

29 (c) Before the writ was delivered to you, you issued instructions to the
30 financial institution or the payroll administrator to pay the Debtor for the
31 pay period.

1 If any wages are not garnishable by reason of the issuance of instructions
2 to a financial institution or a payroll administrator as described above, you
3 must so note in the Garnishee Response. Thereafter, you must pay to the
4 Garnishor all wages that are subject to garnishment that are attributable to
5 services performed by the Debtor during the 90-day period following the date
6 you received the writ.

7

8 Calculation of wages subject to garnishment. A Wage Exemption Calcula-
9 tion form is attached to the writ of garnishment. You must use this form
10 to calculate the amount of the Debtor's wages that is subject to garnishment.
11 You should read the instructions printed on the Wage Exemption Calculation
12 form to determine the normal wage exemption and the minimum wage ex-
13 emption for each payment you make under the writ.

14 A Wage Exemption Calculation form must be sent with the first payment
15 you make under the writ. For the 90-day period during which the writ is ef-
16 fective, you must also fill out and return a Wage Exemption Calculation
17 form with a subsequent payment any time the initial calculation changes.
18 Finally, you must fill out and return a Wage Exemption Calculation form
19 with the final payment that you make under the writ.

20

21 Payment of amount subject to garnishment. Payments under the writ must
22 be made at the following times, unless the amount owing on the judgment
23 or other debt is fully paid before the final payment is made or the writ is
24 released:

25 (a) You must make a payment to the Garnishor of all wages subject to
26 garnishment at the time you next pay wages to the Debtor. Complete the
27 wage exemption computation, using the Wage Exemption Calculation form,
28 to determine the portion of the Debtor's wages that is subject to
29 garnishment. Be sure to adjust the minimum exemption amount for any
30 payment that covers less than a full pay period. You must include a copy
31 of the Wage Exemption Calculation form with this first payment.

1 Example 2: Using the facts given in Example 1, when you next make
2 any payment of wages to Debtor A after you receive the writ on July
3 17, you must complete the Wage Exemption Calculation form and send
4 the form to the Garnishor along with all amounts determined to be
5 subject to garnishment that are attributable to the period covered by
6 the payment. If you pay Debtor A on August 1, the payment will be
7 for all wages attributable to the period beginning July 1 and ending
8 July 31.

9
10 (b) Unless the writ of garnishment is satisfied or released, during the
11 90-day period following the date you received the writ, you must pay to the
12 Garnishor all wages that are determined to be subject to garnishment
13 whenever you issue a paycheck to the Debtor. If the Debtor is paid on a
14 weekly basis, you must make payment under the writ on a weekly basis. If
15 the Debtor is paid on a monthly basis, you must make payment under the
16 writ on a monthly basis. If the amount paid to the Debtor varies from pay-
17 check to paycheck, or changes at any time from the amount being paid at
18 the time the writ was delivered to you, you must perform a new wage ex-
19 emption computation to determine the amount of wages subject to
20 garnishment under the writ. You must send a copy of the new Wage Ex-
21 emption Calculation form with your payment to the Garnishor.

22
23 Example 3: Using the facts given above, as you make each subsequent
24 payment of wages to Debtor A you must make a payment of that por-
25 tion of the Debtor's wages that are subject to garnishment. If you
26 continue to pay Debtor A on the first of each month, payments must
27 be made on September 1 and October 1.

28
29 (c) Upon the expiration of the 90-day period, you must make a final pay-
30 ment to the Garnishor for all wages that were owing to the Debtor for the
31 work performed by the Debtor through the 90th day following your receipt

1 of the writ. This payment may be made at the time of the Debtor's next
2 paycheck. You will need to complete another Wage Exemption Calculation
3 form to determine the amount of the wages subject to garnishment.

4

5 Example 4: Using the facts given above, you must make a final pay-
6 ment for the wages owing to Debtor A for the period beginning Octo-
7 ber 1 and ending October 15. You may make this payment at the time
8 you issue Debtor A's paycheck on November 1, but you must make the
9 payment at any time you issue a paycheck to Debtor A after October
10 15. Be sure that in completing the wage exemption computation for the
11 final payment you adjust the minimum exemption amount to take into
12 account the fact that the period covered is only 15 days of the full
13 month (see instructions on Wage Exemption Calculation form).

14

15 Processing fee. You may collect a \$2 processing fee for each week of
16 wages, or fraction of a week of wages, for which a payment is made under
17 the writ. The fee must be collected after you make the last payment under
18 the writ. The fee must be withheld from the wages of the debtor, and is in
19 addition to the amounts withheld for payment to the garnishor under the
20 writ or under any other writ you have received.

21

22 If you receive more than one writ of garnishment. If you receive a second
23 writ of garnishment for the same Debtor from another Garnishor, the first
24 writ will have priority for wages. The priority of the first writ lasts for the
25 90-day period following delivery of that writ to you, or until the first writ
26 is paid in full, whichever comes first. In your response to the second writ,
27 you must put a check by the appropriate statement in Part II and indicate
28 the date on which the first writ will expire (90 days after the date you re-
29 ceived the writ). You should make no payments under the second writ until
30 expiration of the first writ. The expiration date of the second writ is 90 days
31 after the date you received the second writ; the expiration date is not af-

1 fected by any delay in payment attributable to the priority of the first writ.

2

3 STEP 2. DELIVER THE GARNISHEE RESPONSE.

4

5 You must deliver your Garnishee Response and copies of the response in
6 the manner provided in this step. The response and copies may be mailed or
7 delivered personally.

8

9 You must complete and deliver the Garnishee Response within seven
10 calendar days after you receive the writ of garnishment. If the seventh cal-
11 endar day is a Saturday, Sunday or legal holiday, you must deliver your re-
12 sponse on or before the next following day that is not a Saturday, Sunday
13 or legal holiday.

14

15 If you are required to hold any property under the writ or make any
16 payment under the writ, either at the time of making your response or later,
17 you must:

18 (a) Send the original of your Garnishee Response to the Garnishor at the
19 address indicated on the writ under Important Addresses.

20 (b) Send a copy of your Garnishee Response to the court administrator
21 at the address indicated on the writ under Important Addresses.

22 (c) Send a copy of your Garnishee Response to the Debtor if an address
23 is indicated on the writ under Important Addresses.

24

25 If you are not required to hold any property under the writ or make any
26 payment under the writ, either at the time of making your response or later,
27 you must:

28 (a) Send the original of your Garnishee Response to the Garnishor at the
29 address indicated on the writ under Important Addresses.

30 (b) Send a copy of your Garnishee Response to the Debtor if an address
31 is indicated on the writ under Important Addresses.

1 STEP 3. DELIVER THE FUNDS OR OTHER PROPERTY.

2

3 As long as the writ is in effect, you may be liable to the Creditor if you
4 pay any debt or turn over any property to the Debtor except as specifically
5 allowed by law. If you have any money or property of the Debtor in your
6 possession, control or custody at the time of delivery of the writ, or owe any
7 debt to the Debtor, you must pay the money or hold the property as required
8 by this step. Exceptions to this requirement are listed below.

9

10 IF YOU ARE HOLDING MONEY FOR THE DEBTOR OR OWE A DEBT
11 THAT IS CURRENTLY DUE, you must pay the money to the Garnishor with
12 your response. You must send your payment to the Garnishor at the address
13 indicated on the writ under Important Addresses. Make your check payable
14 to the Garnishor.

15

16 IF YOU OWE A DEBT TO THE DEBTOR THAT WILL BECOME DUE
17 WITHIN 45 DAYS AFTER THE DATE YOU RECEIVED THE WRIT, you
18 must send your payment directly to the Garnishor at the address provided
19 in the writ when the debt becomes due. Make your check payable to the
20 Garnishor.

21

22 IF YOU ARE HOLDING PROPERTY THAT BELONGS TO THE
23 DEBTOR, OR OWE A DEBT TO THE DEBTOR THAT WILL NOT BECOME
24 DUE WITHIN 45 DAYS AFTER THE DATE YOU RECEIVED THE WRIT,
25 you must keep the property or debt in your possession, control or custody
26 until you receive written notice from the Sheriff. The Sheriff's notice will
27 tell you what to do with the property or debt. If you have followed all of the
28 instructions in the writ and you receive no notice from the Sheriff within
29 30 days after the date on which you delivered your Garnishee Response, you
30 may treat the writ as being of no further force or effect.

31

1 EXCEPTIONS:

2

3 1. Challenge to garnishment or specific directions from court. If you are
4 making any payments under the garnishment and before making a payment
5 you receive notice of a challenge to the garnishment from the court, or re-
6 ceive a specific direction from the court to make payments to the court, you
7 must send or deliver the payment directly to the court administrator. If the
8 money is currently due when you receive the notice, send the payment
9 promptly to the court. If the payment is for a debt that is payable within 45
10 days after you receive the writ, make the payment to the court promptly
11 when it becomes due. If you make payment by check, make the check payable
12 to the State of Oregon. Because you may be liable for any payment that does
13 not reach the court, it is better not to send cash by mail.

14 A challenge to the garnishment does not affect your duty to follow the
15 instructions you receive from the Sheriff for property that belongs to the
16 Debtor and debts that you owe to the Debtor that do not become due within
17 45 days.

18

19 2. Previous writ of garnishment. If you receive a second writ of
20 garnishment for the same Debtor from another Garnishor, the first writ will
21 have priority and you need not make payments or deliver property under the
22 second writ to the extent that compliance with the first writ will reduce or
23 eliminate the payment of money or delivery of property that you would oth-
24 erwise make under the garnishment. You must still deliver a Garnishee Re-
25 sponse to the second writ, and must commence payment under the second
26 writ as soon as the first writ is satisfied or expires.

27

28 3. Offset for payment of underlying lien. If you owe a debt to the Debtor
29 and the Debtor owes a debt to the holder of an underlying lien on your
30 property, you may be able to offset the amount payable to the underlying
31 lienholder. See ORS 18.620.

1 4. Subsequent events:

2
3 (a) Bankruptcy. If you make your response and then discover that a vol-
4 untary or involuntary bankruptcy petition has been filed by or on behalf of
5 the Debtor after the judgment was entered against the Debtor or after the
6 debt otherwise became subject to garnishment (see date in writ), you may
7 not make any further payments or delivery of property under the writ unless
8 the court orders otherwise. If you have not delivered all property that is
9 subject to garnishment under this writ when you discover that a bankruptcy
10 petition has been filed, you must mail the following notice to the Garnishor
11 and to the Debtor.

12
13 (b) Order to withhold income. If you make your response and then receive
14 an order to withhold income that has priority over the writ, you may make
15 payments or deliver property under the writ only after payment of the
16 amounts required under the order to withhold income. If you have not de-
17 livered all property that is subject to garnishment under this writ when you
18 receive an order to withhold income that has priority, you must mail the
19 following notice to the Garnishor and to the Debtor.

20 _____
21 SUPPLEMENTAL GARNISHEE
22 RESPONSE

23
24 TO: The Garnishor and the Debtor

25
26 RE: Writ of garnishment received _____, 2__ (date), in the case of
27 _____ (Plaintiff) vs. _____ (Defendant), Circuit Court of _____
28 County, Oregon, Case No. _____.

29
30 The undersigned Garnishee furnished a Garnishee Response to this writ
31 of garnishment on _____, 2__ (date). Since that time (check appropriate

1 statement):

2

3 — I have discovered that a voluntary or involuntary bankruptcy petition
4 has been filed by or on behalf of the Debtor after the judgment was
5 entered against the Debtor or after the debt otherwise became subject
6 to garnishment.

7

8 — I have received an order to withhold income of the Debtor by reason
9 of a support obligation. Under ORS 25.375, the order to withhold in-
10 come has priority over any other legal process under Oregon law
11 against the same income. The withholding of income pursuant to the
12 order to withhold income might reduce or eliminate subsequent pay-
13 ments under the garnishment. (Provide details, including the name of
14 the agency serving the order to withhold, the date the order was
15 served on you and the amounts to be withheld.)

16

17 Dated _____, 2__

18

19 _____

20 Name of Garnishee

21

22 _____

23 Signature

24

25 _____

26 Address

27

28 SPECIAL INSTRUCTIONS FOR BANKS
29 AND OTHER FINANCIAL INSTITUTIONS

30

31 *[Unless a Notice of Right to Garnish Federal Benefits from the United*

1 *States Government or from a state child support enforcement agency is at-*
2 *tached to or included in the garnishment, you must conduct a garnishment*
3 *account review for each account that you hold for the debtor. If a Notice of*
4 *Right to Garnish Federal Benefits from the United States Government or from*
5 *a state child support enforcement agency is attached to or included in the*
6 *garnishment, you should not conduct a garnishment account review, and*
7 *should proceed upon the garnishment in the normal manner.]*

8 *[If you hold an account for the debtor, and any of the payments listed below*
9 *has been deposited in the account by direct deposit or electronic payment dur-*
10 *ing the lookback period described in ORS 18.784 (2) (the period that begins*
11 *on the date preceding the date of your garnishment account review and that*
12 *ends on the corresponding date of the month two months earlier, or on the last*
13 *day of the month two months earlier if the corresponding date does not exist),*
14 *an amount equal to the lesser of the sum of those payments or the total balance*
15 *in the debtor's account is not subject to garnishment, and you may not deliver*
16 *that amount to the garnishor:]*

17 *[(a) Federal benefit payments as defined in ORS 18.600 (payments from the*
18 *United States Social Security Administration, the United States Department*
19 *of Veterans Affairs, the United States Office of Personnel Management or the*
20 *Railroad Retirement Board);]*

21 *[(b) Payments from a public or private retirement plan as defined in ORS*
22 *18.358;]*

23 *[(c) Public assistance or medical assistance, as defined in ORS 414.025,*
24 *payments from the State of Oregon or an agency of the State of Oregon;]*

25 *[(d) Unemployment compensation payments from the State of Oregon or an*
26 *agency of the State of Oregon;]*

27 *[(e) Black lung benefits payments from the United States Department of*
28 *Labor; and]*

29 *[(f) Workers' compensation payments from a workers' compensation*
30 *carrier.]*

31 **(1)(a) If you receive a writ of garnishment for a Debtor who has an**

1 **account with your institution, you must first determine whether a**
2 **Notice of Right to Garnish Federal Benefits from the United States**
3 **Government or from a state child support enforcement agency, as**
4 **provided in 31 C.F.R. part 212, accompanies the writ of garnishment.**

5 **(b) If a Notice of Right to Garnish Federal Benefits accompanies the**
6 **writ of garnishment, you must proceed with the garnishment in the**
7 **normal manner.**

8 **(c) If a Notice of Right to Garnish Federal Benefits does not ac-**
9 **company the writ of garnishment, you must immediately determine**
10 **the total amount in all of the accounts the Debtor has with your in-**
11 **stitution.**

12 **(2)(a) If, after making the determination in (1)(c) above, you find**
13 **that the total amount in all of the Debtor's accounts with your insti-**
14 **tution is less than or equal to the base protected account balance, as**
15 **defined in ORS 18.785 (1)(a), shown on the Oregon Judicial Department**
16 **website as exempt from garnishment:**

17 **(A) The Debtor's accounts are not subject to garnishment.**

18 **(B) You must provide full customary access to the Debtor's ac-**
19 **counts.**

20 **(b) As of the effective date of this 2024 Act, the amount that is not**
21 **subject to garnishment is \$2,500, but this amount is indexed to the**
22 **Consumer Price Index for All Urban Consumers, West Region (All**
23 **Items), as published by the Bureau of Labor Statistics of the United**
24 **States Department of Labor or a successor agency, and may vary from**
25 **year to year.**

26 **(3) If, after making the determination in (1)(c) above, you find that**
27 **the total amount in all of the Debtor's accounts with your institution**
28 **exceeds the base protected account balance shown on the Oregon Ju-**
29 **dicial Department website as exempt from garnishment:**

30 **(a) The base protected account balance is not subject to**
31 **garnishment.**

1 (b) You must provide full customary access to the base protected
2 account balance shown on the Oregon Judicial Department website as
3 exempt from garnishment.

4 (c) You must conduct a garnishment account review.

5 (4) In a garnishment account review, you must determine whether
6 any of the following payments were made by direct deposit or elec-
7 tronic transfer to any of the Debtor's accounts with your institution
8 within the lookback period described in ORS 18.785 (2)(d) (the period
9 that begins on the date preceding the date of your garnishment ac-
10 count review and that ends on the corresponding date of the month
11 two months earlier, or on the last day of the month two months ear-
12 lier if the corresponding date does not exist):

13 (a) Federal benefit payments as defined in ORS 18.600 (benefit pay-
14 ments from the United States Social Security Administration, the
15 United States Department of Veterans Affairs, the United States Of-
16 fice of Personnel Management or the Railroad Retirement Board);

17 (b) Payments from a public or private retirement plan as defined
18 in ORS 18.358;

19 (c) Public assistance payments or medical assistance, as defined in
20 ORS 414.025, from the State of Oregon or an agency of the State of
21 Oregon;

22 (d) Unemployment compensation payments from the State of
23 Oregon or an agency of the State of Oregon;

24 (e) Black lung benefits payments from the United States Depart-
25 ment of Labor; or

26 (f) Workers' compensation payments from a workers' compensation
27 carrier.

28 (5) If in the garnishment account review you determine that any
29 of the payments listed in (4) above were made by direct deposit or
30 electronic transfer to any of the Debtor's accounts with your institu-
31 tion within the lookback period, you may not garnish, and must pro-

1 **vide full customary access to, the sum of:**

2 **(a) The base protected account balance shown on the Oregon Judi-**
3 **cial Department website as exempt from garnishment; and**

4 **(b) The amount by which the sum of all payments described in (4)**
5 **above exceeds the base protected account balance.**

6 **(6) Any amount in the Debtor's accounts that exceeds the amounts**
7 **described in (5) above is subject to garnishment and you must proceed**
8 **with garnishment in the ordinary manner.**

9

10 If the Garnishor fails to pay the search fee required by ORS 18.790 and
11 you do not employ the Debtor, you are not required to deliver a Garnishee
12 Response and you may deal with any property of the Debtor as though the
13 garnishment had not been issued.

14

15 If the Debtor owes a debt to you that was due at the time you received
16 the writ of garnishment, you may be able to offset the amount of that debt.
17 See ORS 18.795. You must note that you have made the offset in Part I of
18 the Garnishee Response (under "Other") and specify the amount that was
19 offset.

20

21 Before making a payment under the writ, you may first deduct any pro-
22 cessing fee that you are allowed under ORS 18.790. If you are required to
23 conduct a garnishment account review, you may not charge or collect a
24 processing fee against any amount that is not subject to garnishment, and
25 may not charge or collect a garnishment processing fee against any amounts
26 in the account after the date that you conduct the review.

27

28 You need not deliver any property contained in a safe deposit box unless
29 the Garnishor pays you in advance for the costs that will be incurred in
30 gaining entry to the box. See ORS 18.792.

31

1 If you are required to conduct a garnishment account review and you
2 determine from the review that one or more of the payments listed in ORS
3 [18.784 (3)] **18.785 (2)(c)** have been deposited into the Debtor’s account by
4 direct deposit or electronic payment during the lookback period described in
5 ORS [18.784 (2)] **18.785 (2)(d)**, and that there is a positive balance in the
6 account, you must issue a notice to the account holder in substantially the
7 form set forth in ORS 18.847. The notice must be issued directly to the ac-
8 count holder or to a fiduciary who administers the account and receives
9 communications on behalf of the account holder. The notice must be sent
10 separately to the account holder and may not be included with other mate-
11 rials being provided to the account holder that do not relate to the
12 garnishment. You must send the notice to the account holder within three
13 business days after you complete the garnishment account review. You may
14 issue one notice with information related to multiple accounts of a single
15 account holder.

16

SECTION 16. ORS 18.840 is amended to read:

17

18 18.840. (1) A wage exemption calculation form must be delivered to the
19 garnishee with each writ of garnishment. **Except as provided in subsection**
20 **(2) of this section,** a wage exemption calculation form must be in substan-
21 tially the following form:

22

WAGE EXEMPTION CALCULATION

23

(to be filled out by employers only)

24

25

26 1. Debtor’s gross wages
27 for period covered by this
28 payment..... \$ _____

29 2. Total amount required to be
30 withheld by law for amount in Line 1

31 (Federal and state)

1 withholding, Social
2 Security, etc.)..... \$ _____

3 3. Debtor’s disposable wages
4 (Subtract Line 2
5 from Line 1) \$ _____

6 4. Normal exemption
7 (Enter 75 percent
8 of Line 3)..... \$ _____

9 [5. *Minimum exemption (check one)*
10 ___ \$254 (*payment of wages weekly*)
11 ___ \$509 (*payment of wages every*
12 *two weeks*)
13 ___ \$545 (*payment of wages half-monthly*)
14 ___ \$1,090 (*payment of wages monthly*)
15 ___ \$_____ (*Any other period longer*
16 *than one week, including partial*
17 *payments for less than full pay*
18 *period) (Multiply \$254 by number*
19 *of weeks or fraction of a week)]*

20 **5. Minimum exemption (check one)**

21 **If you pay wages weekly:**

- 22 ___ \$254, if the wages are payable before July 1, 2024
- 23 ___ \$353, if the wages are payable on or after July 1, 2024, and before July 1, 2025
- 24 ___ \$434, if the wages are payable on or after July 1, 2025, and before July 1, 2026
- 25 ___ \$487, if the wages are payable on or after July 1, 2026, and before July 1, 2027
- 26 ___ The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 27 653.025 (1), multiplied by 40, if the wages are payable on or after July 1, 2027

28 **If you pay wages every two weeks:**

- 29 ___ \$509, if the wages are payable before July 1, 2024
- 30 ___ \$707, if the wages are payable on or after July 1, 2024, and before July 1, 2025
- 31 ___ \$869, if the wages are payable on or after July 1, 2025, and before July 1, 2026

- 1 — \$973, if the wages are payable on or after July 1, 2026, and before July 1, 2027
- 2 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 3 653.025 (1), multiplied by 80, if the wages are payable on or after July 1, 2027

4 **If you pay wages for a half-month period:**

- 5 — \$545, if the wages are payable before July 1, 2024
- 6 — \$766, if the wages are payable on or after July 1, 2024, and before July 1, 2025
- 7 — \$941, if the wages are payable on or after July 1, 2025, and before July 1, 2026
- 8 — \$1,054, if the wages are payable on or after July 1, 2026, and before July 1, 2027
- 9 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 10 653.025 (1), multiplied by 86.67, if the wages are payable on or after July 1, 2027

11 **If you pay wages monthly:**

- 12 — \$1,090, if the wages are payable before July 1, 2024
- 13 — \$1,532, if the wages are payable on or after July 1, 2024, and before July 1, 2025
- 14 — \$1,883, if the wages are payable on or after July 1, 2025, and before July 1, 2026
- 15 — \$2,109, if the wages are payable on or after July 1, 2026, and before July 1, 2027
- 16 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 17 653.025 (1), multiplied by 173.33, if the wages are payable on or after July 1, 2027

18 **If you pay wages for any other period longer than one week, including partial payments**
19 **for less than a full pay period:**

- 20 — \$254 multiplied by that fraction produced by dividing the number of days for which
- 21 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 22 ble before July 1, 2024
- 23 — \$353 multiplied by that fraction produced by dividing the number of days for which
- 24 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 25 ble on or after July 1, 2024, and before July 1, 2025
- 26 — \$434 multiplied by that fraction produced by dividing the number of days for which
- 27 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 28 ble on or after July 1, 2025, and before July 1, 2026
- 29 — \$487 multiplied by that fraction produced by dividing the number of days for which
- 30 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 31 ble on or after July 1, 2026, and before July 1, 2027

1 — **The minimum wage that the Bureau of Labor and Industries calculates under ORS**
2 **653.025 (1) multiplied by 40 and multiplied again by the number of weeks or fraction**
3 **of a week, if the wages are payable on or after July 1, 2027**

4 6. Wages exempt from garnishment
5 (Line 4 or 5,
6 whichever is greater)..... \$ _____

7 7. Nonexempt wages
8 (Subtract Line 6
9 from Line 3)..... \$ _____

10 8. Amount withheld for this pay period
11 pursuant to a support order under
12 support withholding process or under
13 another writ with priority..... \$ _____

14 9. Wages subject to garnishment
15 (Subtract Line 8
16 from Line 7)..... \$ _____

17
18 **INSTRUCTIONS FOR WAGE**
19 **EXEMPTION CALCULATION FORM**
20

21 If you employ the Debtor named in the writ of garnishment, you must fill
22 out and return this Wage Exemption Calculation form. A Wage Exemption
23 Calculation form must be sent with the first payment you make under the
24 writ. For the 90-day period during which the writ is effective, you must also
25 fill out and return a Wage Exemption Calculation form with a subsequent
26 payment any time the initial calculation changes. Finally, you must fill out
27 and return a Wage Exemption Calculation form with the final payment that
28 you make under the writ.

29
30 Normal wage exemption. The wage exemption calculation is based on the
31 amount of the payment you make under the writ of garnishment. The normal

1 wage exemption in Line 4 is 75 percent of the employee's disposable wages
2 in Line 3.

3

4 Minimum wage exemption. The minimum exemption in Line 5 is also
5 based on the amount of the payment you are making. The minimum ex-
6 emption is designed to ensure that an employee receives at least a certain
7 minimum amount in any one-week period. If the payment is for a one-week
8 period (without regard to whether the period is a calendar week or any other
9 seven-day period), the minimum exemption is [~~\$254~~] **the amount specified**
10 **in ORS 18.385 (2)(a)**. The minimum exemption is [~~\$509~~] **the amount speci-**
11 **fied in ORS 18.385 (2)(b)** if the payment is for a two-week period. If the
12 payment is for one-half of one month (i.e., the Debtor is paid twice each
13 month), the minimum exemption is [~~\$545~~] **the amount specified in ORS**
14 **18.385 (2)(c)**. The minimum exemption for a monthly payment is [~~\$1,090~~] **the**
15 **amount specified in ORS 18.385 (2)(d)**.

16 If the payment you are making is based on some period of time other than
17 one week, two weeks, half month or month, and the payment is for more than
18 one week, you must calculate the minimum exemption by [*multiplying \$254*
19 *by*] **converting the minimum exemption for one week or less provided**
20 **for in ORS 18.385 (2)(a) to** the number of weeks covered by the paycheck,
21 including any fraction of a week. You should round the amount calculated
22 to the nearest dollar.

23

24 [*Example 1: You pay Debtor A every 10 days. Each 10-day period is*
25 *equal to 1.429 weeks (10 divided by 7). The minimum exemption is \$363*
26 *(\$254 × 1.429 rounded to the nearest dollar).]*

27

28 [*You must use this same calculation for computing the minimum exemption*
29 *when making a payment for less than a full pay period (e.g., for the final*
30 *payment at the end of the 90-day period covered by the writ).]*

31

1 Example 2: You pay Debtor A on a monthly basis. You are required to
2 make a final payment under a writ of garnishment for the wages owing
3 to Debtor A for the period beginning October 1 and ending October 15.
4 This period is equal to 2.143 weeks (15 divided by 7). The minimum
5 exemption is \$544 ($\254×2.143 rounded to the nearest dollar.)
6

7 [The amount of time actually worked by the Debtor during the period cov-
8 ered by the paycheck does not affect the calculation of the minimum
9 exemption.]
10

11 Example 3: You pay Debtor A on a weekly basis. Debtor A works two
12 days per week. The minimum exemption is \$254 for each weekly payment
13 you make for Debtor A.]
14

15 [If the payment you are making is based on a period of time less than one
16 week, the minimum wage exemption may not exceed \$254 for any one-week pe-
17 riod.]

18 **The amounts that are exempt from garnishment may change from**
19 **year to year. You may view updated garnishment exemption limita-**
20 **tions on the Oregon Judicial Department website.**
21

22 If you receive more than one writ of garnishment. If you receive more
23 than one writ of garnishment for the same debtor, the writs have priority
24 based on the date on which you receive them. If the full amount of wages
25 subject to garnishment for a given pay period is paid on the first writ, you
26 should not make any payment on subsequently received writs until the first
27 writ expires. In some cases, it may be necessary to make payments on two
28 or more writs for the same pay period.
29

30 Example [4]: You have received two writs of garnishment for Debtor
31 A. You pay Debtor A on a monthly basis. The first writ expires on

1 October 16. The second writ will not expire until November 15. You
2 will need to prepare two wage exemption calculation forms for Debtor
3 A's October wages and make payments under both writs. The wage
4 exemption calculation form for the first writ will be for the wages at-
5 tributable to October 1 to October 15 [as described in Example 2]. The
6 wage exemption calculation form for the second writ will be for all
7 wages for the month of October, but the amounts withheld under the
8 first writ must be subtracted on Line 8 to determine the October wages
9 subject to garnishment under the second writ.

11 **(2) If a writ of garnishment includes or is attached to a notice from**
12 **a state or federal child support agency or includes or is attached to**
13 **an attestation that a debt arises out of a judgment debtor's child**
14 **support or spousal support obligation or a money award judgment that**
15 **includes restitution, the wage exemption calculation form described in**
16 **subsection (1) of this section must be modified to read as follows:**

18 **WAGE EXEMPTION CALCULATION**
19 **(to be filled out by employers only)**

- 20
- 21 **1. Debtor's gross wages**
22 **for period covered by this**
23 **payment..... \$ _____**
- 24 **2. Total amount required to be**
25 **withheld by law for amount in Line 1**
26 **(Federal and state**
27 **withholding, Social**
28 **Security, etc.)..... \$ _____**
- 29 **3. Debtor's disposable wages**
30 **(Subtract Line 2**
31 **from Line 1) \$ _____**

- 1 4. Normal exemption
- 2 (Enter 75 percent
- 3 of Line 3)..... \$ ____
- 4 5. Minimum exemption (check one)
- 5 ___ \$254 (payment of wages weekly)
- 6 ___ \$509 (payment of wages every two weeks)
- 7 ___ \$545 (payment of wages half-monthly)
- 8 ___ \$1,090 (payment of wages monthly)
- 9 ___ \$____ (Any other period longer than one
- 10 week, including partial payments for less
- 11 than full pay period) (Multiply \$254 by number
- 12 of weeks or fraction of a week)
- 13 6. Wages exempt from garnishment
- 14 (Line 4 or 5,
- 15 whichever is greater) \$ ____
- 16 7. Nonexempt wages
- 17 (Subtract Line 6
- 18 from Line 3) \$ ____
- 19 8. Amount withheld for this pay period
- 20 pursuant to a support order under
- 21 support withholding process or under
- 22 another writ with priority..... \$ ____
- 23 9. Wages subject to garnishment
- 24 (Subtract Line 8
- 25 from Line 7) \$ ____

**INSTRUCTIONS FOR WAGE
EXEMPTION CALCULATION FORM**

29 **If you employ the Debtor named in the writ of garnishment, you**
 30 **must fill out and return this Wage Exemption Calculation form. A**
 31 **Wage Exemption Calculation form must be sent with the first payment**

1 you make under the writ. For the 90-day period during which the writ
2 is effective, you must also fill out and return a Wage Exemption Cal-
3 culation form with a subsequent payment any time the initial calcu-
4 lation changes. Finally, you must fill out and return a Wage
5 Exemption Calculation form with the final payment that you make
6 under the writ.

7

8 Normal wage exemption. The wage exemption calculation is based
9 on the amount of the payment you make under the writ of
10 garnishment. The normal wage exemption in Line 4 is 75 percent of
11 the employee's disposable wages in Line 3.

12

13 Minimum wage exemption. The minimum exemption in Line 5 is
14 also based on the amount of the payment you are making. The mini-
15 mum exemption is designed to ensure that an employee receives at
16 least a certain minimum amount in any one-week period. If the pay-
17 ment is for a one-week period (without regard to whether the period
18 is a calendar week or any other seven-day period), the minimum ex-
19 emption is \$254. The minimum exemption is \$509 if the payment is for
20 a two-week period. If the payment is for one-half of one month (i.e.,
21 the Debtor is paid twice each month), the minimum exemption is \$545.
22 The minimum exemption for a monthly payment is \$1,090.

23 If the payment you are making is based on some period of time
24 other than one week, two weeks, half month or month, and the pay-
25 ment is for more than one week, you must calculate the minimum
26 exemption by multiplying \$254 by the number of weeks covered by the
27 paycheck, including any fraction of a week. You should round the
28 amount calculated to the nearest dollar.

29

30 Example 1: You pay Debtor A every 10 days. Each 10-day period
31 is equal to 1.429 weeks (10 divided by 7). The minimum exemption

1 **is \$363 ($\254×1.429 rounded to the nearest dollar).**

2
3 **You must use this same calculation for computing the minimum**
4 **exemption when making a payment for less than a full pay period**
5 **(e.g., for the final payment at the end of the 90-day period covered by**
6 **the writ).**

7
8 **Example 2: You pay Debtor A on a monthly basis. You are re-**
9 **quired to make a final payment under a writ of garnishment for**
10 **the wages owing to Debtor A for the period beginning October 1**
11 **and ending October 15. This period is equal to 2.143 weeks (15**
12 **divided by 7). The minimum exemption is \$544 ($\254×2.143**
13 **rounded to the nearest dollar).**

14
15 **The amount of time actually worked by the Debtor during the pe-**
16 **riod covered by the paycheck does not affect the calculation of the**
17 **minimum exemption.**

18
19 **Example 3: You pay Debtor A on a weekly basis. Debtor A works**
20 **two days per week. The minimum exemption is \$254 for each**
21 **weekly payment you make for Debtor A.**

22
23 **If the payment you are making is based on a period of time less**
24 **than one week, the minimum wage exemption may not exceed \$254 for**
25 **any one-week period.**

26
27 **If you receive more than one writ of garnishment. If you receive**
28 **more than one writ of garnishment for the same debtor, the writs have**
29 **priority based on the date on which you receive them. If the full**
30 **amount of wages subject to garnishment for a given pay period is paid**
31 **on the first writ, you should not make any payment on subsequently**

1 received writs until the first writ expires. In some cases, it may be
2 necessary to make payments on two or more writs for the same pay
3 period.

4
5 **Example 4:** You have received two writs of garnishment for
6 Debtor A. You pay Debtor A on a monthly basis. The first writ
7 expires on October 16. The second writ will not expire until No-
8 vember 15. You will need to prepare two wage exemption calcu-
9 lation forms for Debtor A's October wages and make payments
10 under both writs. The wage exemption calculation form for the
11 first writ will be for the wages attributable to October 1 to Oc-
12 tober 15 as described in Example 2. The wage exemption calcu-
13 lation form for the second writ will be for all wages for the
14 month of October, but the amounts withheld under the first writ
15 must be subtracted on Line 8 to determine the October wages
16 subject to garnishment under the second writ.

17

18 **SECTION 17.** ORS 18.845 is amended to read:

19 18.845. **Except as provided in section 19 of this 2024 Act,** a notice of
20 exemptions form must be in substantially the form set forth in this section.
21 Nothing in the notice form described in this section is intended to expand
22 or restrict the law relating to exempt property. A determination as to
23 whether property is exempt from execution, attachment and garnishment
24 must be made by reference to other law. The form provided in this section
25 may be modified to provide more information or to update the notice based
26 on subsequent changes in exemption laws.

27

28 NOTICE OF EXEMPT PROPERTY
29 AND INSTRUCTIONS FOR
30 CHALLENGE TO GARNISHMENT

1 Property belonging to you may have been taken or held in order to satisfy
2 a debt. The debt may be reflected in a judgment or in a warrant or order
3 issued by a state agency. Important legal papers are enclosed.

4 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ
5 THIS NOTICE CAREFULLY.

6 State and federal law specify that certain property may not be taken.
7 Some of the property that you may be able to get back is listed below.

8 *[(1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever*
9 *of the following amounts is greater:]*

10 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385,**
11 **in an amount that does not exceed the greater of:**

12 (a) 75 percent of your take-home wages; or

13 (b) [~~\$254~~] **The amount specified in ORS 18.385 (2)(a)**, per workweek.

14 (2) Social Security benefits.

15 (3) Supplemental Security Income (SSI).

16 (4) Public assistance (welfare).

17 (5) Unemployment benefits.

18 (6) Disability benefits (other than SSI benefits).

19 (7) Workers' compensation benefits.

20 (8) All Social Security benefits and Supplemental Security Income bene-
21 fits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unem-
22 ployment benefits and disability benefits, that are held in a bank account.

23 You may attach copies of bank statements to the Challenge to Garnishment
24 form if you claim this exemption.

25 (9) Spousal support, child support or separate maintenance to the extent
26 reasonably necessary for your support or the support of any of your depen-
27 dents.

28 (10) A homestead (house, manufactured dwelling or floating home) occu-
29 pied by you, or occupied by your spouse, parent or child. Up to [~~\$40,000~~]
30 **\$150,000** of the value of the homestead is exempt. If you jointly own the
31 homestead with another person who is also liable on the debt, up to

1 [~~\$50,000~~] **\$300,000** of the value of the homestead is exempt.

2 (11) Proceeds from the sale of a homestead described in item 10, up to the
3 limits described in item 10, if you hold the proceeds for less than one year
4 and intend to use those proceeds to procure another homestead.

5 (12) Household goods, furniture, radios, a television set and utensils with
6 a combined value not to exceed \$3,000.

7 [~~*(13) An automobile, truck, trailer or other vehicle with a value not to
8 exceed \$3,000.]~~

9 ***(13) A vehicle, including an automobile, truck, trailer, truck and
10 trailer or other motor vehicle, with a value not to exceed \$10,000.**

11 *(14) Tools, implements, apparatus, team, harness or library that are
12 necessary to carry on your occupation, with a combined value not to exceed
13 \$5,000.

14 *(15) Books, pictures and musical instruments with a combined value not
15 to exceed \$600.

16 *(16) Wearing apparel, jewelry and other personal items with a combined
17 value not to exceed \$1,800.

18 (17) Domestic animals and poultry for family use with a combined value
19 not to exceed \$1,000 and their food for 60 days.

20 (18) Provisions and fuel for your family for 60 days.

21 (19) One rifle or shotgun and one pistol. The combined value of all
22 firearms claimed as exempt may not exceed \$1,000.

23 (20) Public or private pensions.

24 (21) Veterans' benefits and loans.

25 (22) Medical assistance benefits.

26 (23) Health insurance proceeds and disability proceeds of life insurance
27 policies.

28 (24) Cash surrender value of life insurance policies not payable to your
29 estate.

30 (25) Federal annuities.

31 (26) Other annuities to \$250 per month (excess over \$250 per month is

1 subject to the same exemption as wages).

2 ***[(27)] Up to \$2,500 in all of the accounts you hold in a financial in-**
3 **stitution to the extent that such amounts are exempt under ORS**
4 **18.785.**

5 [(27)] **(28)** Professionally prescribed health aids for you or any of your
6 dependents.

7 *[(28)] **(29)** Rental assistance to an elderly person allowed pursuant to
8 ORS 458.375.

9 [(29)] **(30)** Your right to receive, or property traceable to:

10 (a) An award under any crime victim reparation law.

11 (b) A payment or payments, not exceeding a total of \$10,000, on account
12 of personal bodily injury suffered by you or an individual of whom you are
13 a dependent.

14 (c) A payment in compensation of loss of future earnings of you or an
15 individual of whom you are or were a dependent, to the extent reasonably
16 necessary for your support and the support of any of your dependents.

17 [(30)] **(31)** Amounts paid to you as an earned income tax credit under
18 federal tax law.

19 [(31)] **(32)** Your right to the assets held in, or right to receive payments
20 under, a medical savings account or health savings account authorized under
21 section 220 or 223 of the Internal Revenue Code.

22 *[(32)] **(33)** Interest in personal property to the value of \$400, but this
23 cannot be used to increase the amount of any other exemption.

24 [(33)] **(34)** Equitable interests in property.

25 [(34)] **(35)** Security deposits or prepaid rent held by a residential landlord
26 under ORS 90.300.

27 [(35)] **(36)** If the amount shown as owing on the Debt Calculation form
28 exceeds the amount you actually owe to the creditor, the difference between
29 the amount owed and the amount shown on the Debt Calculation form.

30 [(36)] **(37)** Amounts paid to you as a tax credit under ORS 315.273.

31

1 Note: If two or more people in your household owe the claim or judgment,
2 each of them may claim the exemptions marked by an asterisk (*).

3

4 **Note: The amounts specified as limitations on exemptions in this**
5 **form may change as a result of changes in the Consumer Price Index**
6 **for All Urban Consumers, West Region (All Items), as published by the**
7 **Bureau of Labor Statistics of the United States Department of Labor**
8 **or a successor agency. You may view updated garnishment exemption**
9 **limitations on the Oregon Judicial Department website.**

10

11 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD
12 SUPPORT AND SPOUSAL SUPPORT. Some property that may not other-
13 wise be taken for payment against the debt may be taken to pay for overdue
14 support. For instance, Social Security benefits, workers' compensation bene-
15 fits, unemployment benefits, veterans' benefits and pensions are normally
16 exempt, but only 50 percent of a lump sum payment of these benefits is ex-
17 empt if the debt is owed for a support obligation.

18
19 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY
20 OR PROPERTY BACK. You may seek to reclaim your exempt property by
21 doing the following:

22 (1) Fill out the Challenge to Garnishment form that you received with
23 this notice.

24 (2) Mail or deliver the Challenge to Garnishment form to the court ad-
25 ministrator at the address shown on the writ of garnishment, and mail or
26 deliver a copy of the form to the Garnishor at the address shown on the writ
27 of garnishment. If you wish to claim wages or salary as exempt, you must
28 mail or deliver the form within 120 days after you receive this notice. If you
29 wish to claim that any other money or property is exempt, or claim that the
30 property is not subject to garnishment, you must mail or deliver the form
31 within 30 days after you receive this notice. You have the burden of showing

1 that your challenge is made on time, so you should keep records showing
2 when the challenge was mailed or delivered.

3 (3) The law only requires that the Garnishor hold the garnished money
4 or property for 10 days before applying it to the Creditor's use. You may be
5 able to keep the property from being used by the Creditor by promptly fol-
6 lowing (1) and (2) above.

7

8 You should be prepared to explain your exemption in court. If you have
9 any questions about the garnishment or the debt, you should see an attorney.

10 **YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM ONLY**
11 **FOR THE FOLLOWING PURPOSES:**

12 (1) To claim such exemptions from garnishment as are permitted by law.

13 (2) To assert that property is not garnishable property under ORS 18.618.

14 (3) To assert that the amount specified in the writ of garnishment as be-
15 ing subject to garnishment is greater than the total amount owed.

16

17 **YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM**
18 **TO CHALLENGE THE VALIDITY OF THE DEBT.**

19 **IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD FAITH,**
20 **YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT**
21 **THAT COULD INCLUDE A FINE.** Penalties that you could be subject to
22 are listed in ORS 18.715.

23 When you file a Challenge to Garnishment form, the Garnishee may be
24 required to make all payments under the garnishment to the court, and the
25 Garnishor may be required to pay to the court all amounts received by the
26 Garnishor that are subject to the challenge to the garnishment. The
27 Garnishee and Garnishor are subject to penalties if they do not. For a com-
28 plete explanation of their responsibilities, see ORS 18.705 and 18.708.

29

30 **SECTION 18. Section 19 of this 2024 Act is added to and made a part**
31 **of ORS 18.600 to 18.850.**

1 **(5) Unemployment benefits.**

2 **(6) Disability benefits (other than SSI benefits).**

3 **(7) Workers' compensation benefits.**

4 **(8) All Social Security benefits and Supplemental Security Income**
5 **benefits, and up to \$7,500 in exempt wages, retirement benefits, wel-**
6 **fare, unemployment benefits and disability benefits, that are held in**
7 **a bank account. You may attach copies of bank statements to the**
8 **Challenge to Garnishment form if you claim this exemption.**

9 **(9) Spousal support, child support or separate maintenance to the**
10 **extent reasonably necessary for your support or the support of any of**
11 **your dependents.**

12 **(10) A homestead (house, manufactured dwelling or floating home)**
13 **occupied by you, or occupied by your spouse, parent or child. Up to**
14 **\$40,000 of the value of the homestead is exempt. If you jointly own the**
15 **homestead with another person who is also liable on the debt, up to**
16 **\$50,000 of the value of the homestead is exempt.**

17 **(11) Proceeds from the sale of a homestead described in item 10, up**
18 **to the limits described in item 10, if you hold the proceeds for less than**
19 **one year and intend to use those proceeds to procure another home-**
20 **stead.**

21 **(12) Household goods, furniture, radios, a television set and utensils**
22 **with a combined value not to exceed \$3,000.**

23 ***(13) A vehicle, including an automobile, truck, trailer, truck and**
24 **trailer or other motor vehicle, with a value not to exceed \$3,000.**

25 ***(14) Tools, implements, apparatus, team, harness or library that**
26 **are necessary to carry on your occupation, with a combined value not**
27 **to exceed \$5,000.**

28 ***(15) Books, pictures and musical instruments with a combined**
29 **value not to exceed \$600.**

30 ***(16) Wearing apparel, jewelry and other personal items with a**
31 **combined value not to exceed \$1,800.**

1 **(17) Domestic animals and poultry for family use with a combined**
2 **value not to exceed \$1,000 and their food for 60 days.**

3 **(18) Provisions and fuel for your family for 60 days.**

4 **(19) One rifle or shotgun and one pistol. The combined value of all**
5 **firearms claimed as exempt may not exceed \$1,000.**

6 **(20) Public or private pensions.**

7 **(21) Veterans' benefits and loans.**

8 **(22) Medical assistance benefits.**

9 **(23) Health insurance proceeds and disability proceeds of life insur-**
10 **ance policies.**

11 **(24) Cash surrender value of life insurance policies not payable to**
12 **your estate.**

13 **(25) Federal annuities.**

14 **(26) Other annuities to \$250 per month (excess over \$250 per month**
15 **is subject to the same exemption as wages).**

16 **(27) Professionally prescribed health aids for you or any of your**
17 **dependents.**

18 ***(28) Rental assistance to an elderly person allowed pursuant to**
19 **ORS 458.375.**

20 **(29) Your right to receive, or property traceable to:**

21 **(a) An award under any crime victim reparation law.**

22 **(b) A payment or payments, not exceeding a total of \$10,000, on**
23 **account of personal bodily injury suffered by you or an individual of**
24 **whom you are a dependent.**

25 **(c) A payment in compensation of loss of future earnings of you or**
26 **an individual of whom you are or were a dependent, to the extent**
27 **reasonably necessary for your support and the support of any of your**
28 **dependents.**

29 **(30) Amounts paid to you as an earned income tax credit under**
30 **federal tax law.**

31 **(31) Your right to the assets held in, or right to receive payments**

1 **under, a medical savings account or health savings account authorized**
2 **under section 220 or 223 of the Internal Revenue Code.**

3 ***(32) Interest in personal property to the value of \$400, but this**
4 **cannot be used to increase the amount of any other exemption.**

5 **(33) Equitable interests in property.**

6 **(34) Security deposits or prepaid rent held by a residential landlord**
7 **under ORS 90.300.**

8 **(35) If the amount shown as owing on the Debt Calculation form**
9 **exceeds the amount you actually owe to the creditor, the difference**
10 **between the amount owed and the amount shown on the Debt Calcu-**
11 **lation form.**

12 **(36) Amounts paid to you as a tax credit under ORS 315.273.**

13

14 **Note: If two or more people in your household owe the claim or**
15 **judgment, each of them may claim the exemptions marked by an as-**
16 **terisk (*).**

17

18 **SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR**
19 **CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may**
20 **not otherwise be taken for payment against the debt may be taken to**
21 **pay for overdue support. For instance, Social Security benefits,**
22 **workers' compensation benefits, unemployment benefits, veterans'**
23 **benefits and pensions are normally exempt, but only 50 percent of a**
24 **lump sum payment of these benefits is exempt if the debt is owed for**
25 **a support obligation.**

26

27 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR**
28 **MONEY OR PROPERTY BACK. You may seek to reclaim your exempt**
29 **property by doing the following:**

30 **(1) Fill out the Challenge to Garnishment form that you received**
31 **with this notice.**

1 **(2) Mail or deliver the Challenge to Garnishment form to the court**
2 **administrator at the address shown on the writ of garnishment, and**
3 **mail or deliver a copy of the form to the Garnishor at the address**
4 **shown on the writ of garnishment. If you wish to claim wages or sal-**
5 **ary as exempt, you must mail or deliver the form within 120 days after**
6 **you receive this notice. If you wish to claim that any other money or**
7 **property is exempt, or claim that the property is not subject to**
8 **garnishment, you must mail or deliver the form within 30 days after**
9 **you receive this notice. You have the burden of showing that your**
10 **challenge is made on time, so you should keep records showing when**
11 **the challenge was mailed or delivered.**

12 **(3) The law only requires that the Garnishor hold the garnished**
13 **money or property for 10 days before applying it to the Creditor's use.**
14 **You may be able to keep the property from being used by the Creditor**
15 **by promptly following (1) and (2) above.**

16

17 **You should be prepared to explain your exemption in court. If you**
18 **have any questions about the garnishment or the debt, you should see**
19 **an attorney.**

20 **YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM**
21 **ONLY FOR THE FOLLOWING PURPOSES:**

22 **(1) To claim such exemptions from garnishment as are permitted**
23 **by law.**

24 **(2) To assert that property is not garnishable property under ORS**
25 **18.618.**

26 **(3) To assert that the amount specified in the writ of garnishment**
27 **as being subject to garnishment is greater than the total amount**
28 **owed.**

29

30 **YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM**
31 **TO CHALLENGE THE VALIDITY OF THE DEBT.**

1 IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD
2 FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE
3 COURT THAT COULD INCLUDE A FINE. Penalties that you could be
4 subject to are listed in ORS 18.715.

5 When you file a Challenge to Garnishment form, the Garnishee may
6 be required to make all payments under the garnishment to the court,
7 and the Garnishor may be required to pay to the court all amounts
8 received by the Garnishor that are subject to the challenge to the
9 garnishment. The Garnishee and Garnishor are subject to penalties if
10 they do not. For a complete explanation of their responsibilities, see
11 ORS 18.705 and 18.708.

12 _____

13 **SECTION 20.** ORS 18.847 is amended to read:

14 18.847. The notice given by a financial institution to a debtor under
15 ORS 18.785 [(1)] (3) must be in substantially the following form:

16 _____

17 _____
18 _____
19 _____

20 (Name, address of financial institution)

21

22 IMPORTANT INFORMATION ABOUT
23 YOUR ACCOUNT

24 Date: _____

25 Notice to: _____

26 Account Number: _____

27

28

29 Why am I receiving this notice?

30

31 On _____ [date on which garnishment order was served], _____ [name

1 of financial institution] received a garnishment order from a court to garnish
2 funds in your account. The amount of the garnishment order was for
3 \$_____ [amount of garnishment order]. We are sending you this notice to let
4 you know what we have done in response to the garnishment order.

5

6 What is garnishment?

7

8 Garnishment is a legal process that allows a creditor to remove funds
9 from your bank/credit union account to satisfy a debt that you have not paid.
10 In other words, if you owe money to a person or company, they can obtain
11 a court order directing your bank/credit union to take money out of your
12 account to pay off your debt. If this happens, you cannot use that money in
13 your account.

14

15 What has happened to my account?

16

17 **An amount specified by the Oregon Judicial Department is pro-**
18 **ected by law from garnishment under ORS 18.785. As of the date of**
19 **this notice, that amount is _____. This means you have access**
20 **to up to this amount from any and all of the accounts you have with**
21 **us. If you owe a debt that arises out of a child support or spousal**
22 **support obligation or a money award judgment that includes**
23 **restitution, the protected amount might be less than the amount the**
24 **Oregon Judicial Department has specified. If your accounts with us**
25 **have a total amount that exceeds the amount the Oregon Judicial**
26 **Department has specified, we must research your account to deter-**
27 **mine whether certain payments you might have received were made**
28 **to your accounts in the previous two months. The amount of those**
29 **payments might be protected from garnishment.**

30 **___ (check if applicable) On _____ [date of account review], we**
31 **researched your account and identified that one or more payments identified**

1 by ORS [18.784 (1)] **18.785 (2)(c)** have been deposited in the last two months
2 (see below for a list of qualifying payments). In most cases, these payments
3 are protected from garnishment. As required by state and federal regulations,
4 therefore, we have established a “protected amount” of funds that will re-
5 main available to you and that will not be frozen or removed from your ac-
6 count in response to the garnishment order.

7

8 (Conditional paragraph if funds have been frozen)

9

10 _____ (check if applicable) Your account contained additional money that
11 may not be protected from garnishment. As required by law, we have placed
12 a hold on or removed these funds in the amount of \$_____ [amount frozen]
13 and may have to turn these funds over to your creditor as directed by the
14 garnishment order.

15

16 The chart below summarizes this information about your account(s):

17

18 ACCOUNT SUMMARY AS OF _____ [DATE OF ACCOUNT REVIEW]

19

20		Amount	
21	Account	in	Amount
22	Number	Account	Protected
23			
24	_____	_____	_____
25	_____	_____	_____

26

27 Amount

28 Subject to

29 Garnish-

30 ment (now Garnish-

31 frozen/ ment Fee

1 removed) Charged
2
3 _____
4 _____

5 (If the account holder has multiple accounts, use a separate row for each
6 account)

7

8 Please note that these amount(s) may be affected by deposits or with-
9 draws after the protected amount was calculated on _____ (date of
10 garnishment account review).

11

12 Do I need to do anything to access my protected funds?

13

14 You may use the protected amount of money in your account as you
15 normally would.

16

17 There is nothing else you need to do to make sure that the protected
18 amount is safe.

19

20 Who garnished my account?

21

22 The creditor who obtained a garnishment order against you
23 is _____ (name of creditor).

24

25 What types of benefit payments are protected from garnishment?

26

27 In most cases, you have protections from garnishment if the funds in your
28 account include one or more of the following benefit payments:

29

- 30 • Social Security benefits
31 • Supplemental Security Income benefits

- 1 • Veterans' benefits
- 2 • Railroad retirement benefits
- 3 • Railroad Unemployment Insurance benefits
- 4 • Civil Service Retirement System benefits
- 5 • Federal Employees Retirement System benefits
- 6 • Payments from a public or private retirement plan as defined in ORS
- 7 18.358
- 8 • Public assistance or medical assistance, as defined in ORS 414.025,
- 9 from the State of Oregon or an agency of the State of Oregon
- 10 • Unemployment compensation payments from the State of Oregon or
- 11 an agency of the State of Oregon
- 12 • Black lung benefits payments from the United States Department of
- 13 Labor
- 14 • Workers' compensation payments from a workers' compensation car-
- 15 rier

16

17 What should I do if I think that additional funds in my account are from
18 protected benefit payments?

19

20 If you believe that funds in your account(s) should not have been frozen
21 or removed, there are several things you can do:

22

23 You can fill out a Challenge to Garnishment form and submit it to the
24 court.

25 You may contact the creditor that garnished your account and explain
26 that funds are from protected benefit payments and should be released to
27 you. The creditor may be contacted at _____ (address of creditor).

28 You may consult an attorney to help you prove to the creditor that
29 garnished your account that additional funds are from protected benefit
30 payments and cannot be taken. For information about how to find an attor-
31 ney, contact the Oregon State Bar's Lawyer Referral Service at (800) 452-7636

1 or go online to www.oregonlawhelp.org.

2

3 This notice contains all the information that we have about the
4 garnishment order. However, if you have a question about your account, you
5 may contact us at _____ (telephone number of financial institution).

6

7 **SECTION 21.** ORS 18.854 is amended to read:

8 18.854. (1) Any state agency authorized to issue warrants to collect taxes
9 and debts owed to the State of Oregon, including but not limited to warrants
10 issued pursuant to ORS 179.655, 184.644, 267.385, 293.250, 314.430, 316.207,
11 320.080, 321.570, 323.390, 411.703, 651.065, 657.396, 657.642, 657.646, 705.175 and
12 825.504, or any county tax collector authorized to issue warrants to collect
13 taxes and debts owed to the county pursuant to ORS 311.625, may garnish
14 property of a debtor in the possession, control or custody of a person other
15 than the debtor by delivering to the person all of the following:

16 (a) A notice of garnishment;

17 (b) A warrant, or a true copy of a warrant;

18 (c) The items specified in ORS 18.650 (1)(b) to (d); and

19 (d) Any garnishee's search fee payable as provided in ORS 18.790.

20 (2) A notice of garnishment may be issued by any person designated by
21 the state agency or by the county tax collector. A warrant need not be re-
22 corded in the County Clerk Lien Record as a condition of issuing a notice
23 of garnishment under the provisions of this section. The provisions of ORS
24 18.800 do not apply to a notice of garnishment.

25 (3) If any of the items described in subsection (1) of this section are not
26 delivered to the garnishee, a notice of garnishment shall not be effective to
27 garnish any property of the debtor, and the garnishee shall not be required
28 to respond to the garnishment and may proceed to deal with any property
29 of the debtor as though the notice of garnishment had not been issued.

30 (4)(a) Notwithstanding ORS 18.652, but subject to paragraph (c) of this
31 subsection, a notice of garnishment and the other items required by sub-

1 section (1) of this section may be delivered in person to the garnishee by any
2 employee of the state agency or of the county tax collector who is authorized
3 by the agency or the county to deliver the notice of garnishment, may be
4 mailed to the garnishee by first class or certified mail or may be sent to the
5 garnishee by other means if the garnishee has agreed to a different delivery
6 method.

7 (b) An employee who delivers documents under paragraph (a) of this
8 subsection need not be covered by the errors and omissions insurance re-
9 quired in ORS 18.652.

10 (c) A state agency or a county may not seek sanctions against a non-
11 complying garnishee under ORS 18.775 unless the notice of garnishment and
12 the other items required by subsection (1) of this section are personally de-
13 livered to the garnishee under paragraph (a) of this subsection or mailed to
14 the garnishee by certified mail.

15 (5) Notwithstanding any provision of ORS 18.600 to 18.850, a debt calcu-
16 lation form need not be prepared or delivered for any notice of garnishment.

17 (6) Notwithstanding ORS 18.792, the duty of a garnishee to deliver any
18 property of the debtor that may be contained in a safe deposit box that is
19 in the garnishee's possession, control or custody at the time of delivery of
20 the notice of garnishment to the garnishee is conditioned upon the state
21 agency or the county tax collector first paying to the garnishee, in addition
22 to the search fee provided for in ORS 18.790, all reasonable costs incurred
23 by the garnishee in gaining entry to the safe deposit box. The costs shall be
24 paid to the garnishee by the state agency or the county tax collector at least
25 five days before the date the state agency or the county tax collector takes
26 possession of the property in the safe deposit box. If the state agency or the
27 county tax collector fails to pay such costs to the garnishee within 20 days
28 after the delivery of the garnishee response, the garnishment shall not be
29 effective to garnish any property of the debtor that may be contained in the
30 safe deposit box and the garnishee may proceed to deal with the safe deposit
31 box and its contents as though the notice of garnishment had not been is-

1 sued. Nothing in this subsection limits the rights of a state agency or
2 county tax collector to reach the contents of any safe deposit box in any
3 manner otherwise provided by law.

4 (7) Except as provided in this section and ORS 18.855 and 18.857, all pro-
5 visions of ORS 18.600 to 18.850 apply to notices of garnishment. The state
6 agency or county tax collector shall modify the forms provided in ORS 18.600
7 to 18.850 as necessary to allow use of those forms for notices of garnishment.
8 The form of the notice of garnishment must clearly indicate that the docu-
9 ment is a notice of garnishment and must reflect the date of all warrants
10 on which the notice of garnishment is based.

11 (8) The Attorney General may adopt **without a rulemaking proceeding**
12 model forms for notices of garnishment and other documents issued by state
13 agencies and county tax collectors under this section and ORS 18.855 and
14 18.857. There is a presumption, as described in ORS 40.120, that any state
15 agency or county tax collector that uses a model form adopted by the At-
16 torney General under this subsection has complied with the requirements of
17 ORS 18.600 to 18.850, and with the provisions of this section and ORS 18.855
18 and 18.857, with respect to the form of notices of garnishment.

19 **SECTION 22.** ORS 18.855 is amended to read:

20 18.855. (1) Notwithstanding ORS 18.607, a notice of garnishment issued
21 by a state agency need not contain the name of a court whose authority is
22 invoked.

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

27 (3) Notwithstanding ORS 18.625, but subject to ORS 18.618 (2), a notice
28 of garnishment issued by a state agency acts to garnish all wages earned by
29 the debtor by reason of services to the garnishee until the full amount of the
30 debt is paid or until the notice of garnishment is released by the state agency
31 or by court order. A notice of garnishment issued by a state agency must

1 contain language reasonably designed to notify the garnishee of the pro-
2 visions of this subsection.

3 (4) Notwithstanding ORS 18.690, a garnishee who receives a notice of
4 garnishment issued by a state agency need not deliver a copy of the
5 garnishee response to the clerk of the court, but must deliver the original
6 of the response to the state agency.

7 (5) Notwithstanding ORS 18.700, a challenge to a notice of garnishment
8 issued by a state agency must be delivered in person or by first class mail
9 to the state agency within the time specified by ORS 18.700 (2). Upon re-
10 ceiving a challenge, the state agency shall provide notice of the challenge
11 in the manner provided by ORS 18.702. Upon a sheriff receiving notice under
12 ORS 18.702, the sheriff shall proceed as provided by ORS 18.760, except that
13 upon determination of the challenge by an administrative law judge, the
14 sheriff shall proceed as directed by the judge. Within 14 days after receiving
15 the challenge, the state agency must either concede the challenge or give the
16 person making the challenge opportunity for hearing. If the person making
17 the challenge requests a hearing, the agency shall immediately refer the
18 challenge to the Office of Administrative Hearings established under ORS
19 183.605. The hearing shall be conducted as soon as possible. Notwithstanding
20 ORS 183.315, the hearing shall be conducted as a contested case hearing. An
21 issue that was decided in a previous hearing, or for which the debtor was
22 previously afforded an opportunity for hearing, may not be reconsidered.

23 (6) If a state agency is issuing a notice of garnishment for collection of
24 a state tax, and the state agency has reason to believe that the debtor in-
25 tends to leave the state or do any other act that would jeopardize collection
26 of the tax, the state agency may issue a special notice of garnishment. Any
27 earnings, as defined in ORS 18.375, garnished under a special notice of
28 garnishment are not subject to a claim of exemption under ORS 18.385. A
29 special notice of garnishment issued under this subsection garnishes only
30 that property of the debtor that is in the garnishee's possession, control or
31 custody at the time the special notice is delivered, including debts not yet

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

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

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

14 (9) Notwithstanding ORS 18.607 (4):

15 (a) A notice of garnishment issued by the Department of Revenue must
16 include the name of the person issuing the notice on behalf of the depart-
17 ment, but need not be signed by that person.

18 (b) A notice of garnishment related to the overpayment of medical as-
19 sistance as defined in ORS 414.025, or public assistance as defined in ORS
20 411.010, issued by the Department of Human Services or the Oregon Health
21 Authority must include the name of the person issuing the notice on behalf
22 of the department or authority, but need not be signed by that person.

23 **SECTION 23.** ORS 18.888 is amended to read:

24 18.888. (1) After levying on property, a sheriff shall mail or deliver a copy
25 of the writ of execution to each judgment debtor. If the writ is issued pur-
26 suant to an in rem judgment against personal property, the sheriff shall mail
27 or deliver a copy of the writ to the person from whom the property was
28 seized. If the writ is issued pursuant to an in rem judgment against real
29 property, the sheriff shall mail or deliver a copy of the writ to the occupants
30 of the property. The sheriff shall mail the copy of the writ to the addresses
31 included in the instructions to the sheriff. If the judgment creditor has not

1 provided an address for a person, the sheriff need not mail a copy of the writ
2 to the person.

3 (2) If the sheriff has levied on intangible property, in addition to the copy
4 of the writ required under subsection (1) of this section, the sheriff shall mail
5 or deliver to the persons described in subsection (1) of this section a copy
6 of the notice of levy filed with the court pursuant to ORS 18.878 (1)(d).

7 (3) Unless the writ directs the sheriff to sell or deliver specific real or
8 personal property pursuant to the terms of the judgment, in addition to the
9 copy of the writ required under subsection (1) of this section the sheriff shall
10 mail or deliver to each judgment debtor:

11 (a) A copy of the notice of levy or a statement of the date and time of the
12 levy; and

13 (b) A challenge to execution form as provided by ORS 18.896 **or section**
14 **27 of this 2024 Act, as appropriate.**

15 **SECTION 24.** ORS 18.892 is amended to read:

16 18.892. (1) Except as provided in subsection (2) of this section, a judgment
17 debtor may use a challenge to execution form only:

18 (a) To claim such exemptions under a writ of execution as are permitted
19 by law; and

20 (b) To assert that the amount specified in the writ of execution as being
21 subject to execution is greater than the amount owed by the judgment debtor
22 under the money award.

23 (2) A judgment debtor may not use a challenge to execution form to
24 challenge execution on residential property of the debtor as defined by ORS
25 18.901 if the judgment creditor has obtained an order under ORS 18.904 au-
26 thorizing the sale or if the judgment directs the sale or delivery of specific
27 property.

28 (3) Any person other than a judgment debtor who has an interest in any
29 property levied on by a sheriff may assert that interest by delivering a
30 challenge to execution in the manner provided by subsection (4) of this sec-
31 tion.

1 (4) A person may make a challenge to a writ of execution by completing
2 the challenge to execution form provided in ORS 18.896 or **section 27 of this**
3 **2024 Act, as appropriate**, or a substantially similar form, and by delivering,
4 in person or by first class mail, the original of the completed form to the
5 court administrator for the court identified in the writ of execution and a
6 copy of the challenge to the judgment creditor. Upon receiving a copy of the
7 challenge, the judgment creditor shall promptly notify the sheriff of the
8 challenge.

9 (5) A challenge to execution must be delivered in the manner provided
10 by subsection (4) of this section within 30 days after the property is levied
11 on as described in ORS 18.878 or before the property is sold on execution,
12 whichever occurs first.

13 **SECTION 25.** ORS 18.896 is amended to read:

14 18.896. (1) The challenge to execution form described in this section does
15 not expand or restrict the law relating to exempt property. A determination
16 as to whether property is exempt from attachment or execution must be made
17 by reference to other law. The form provided in this section may be modified
18 to provide more information or to update the notice based on subsequent
19 changes in exemption laws.

20 (2) **Except as provided in section 27 of this 2024 Act**, a challenge to
21 execution form must be in substantially the following form:

22 _____

23 _____ COURT

24 COUNTY OF _____

25

26 _____) CHALLENGE TO

27 Plaintiff,) EXECUTION

28)

29 vs.) Case No. _____

30)

31 _____)

1 Defendant.)

2

3 THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOL-
4 LOWING PURPOSES:

5 (1) To claim such exemptions from execution as are permitted by law.

6 (2) To assert that the amount specified in the writ of execution as being
7 subject to execution is greater than the total amount owed.

8

9 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE
10 DEBTOR ONLY TO CLAIM AN INTEREST IN THE PROPERTY THAT IS
11 TO BE SOLD ON EXECUTION.

12

13 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY
14 OF THE DEBT.

15

16 I/We claim that the following described property or money is exempt from
17 execution:

18 _____
19 _____

20

21 I/We believe this property is exempt from execution because (the Notice
22 of Exempt Property at the end of this form describes most types of property
23 that you can claim as exempt from execution):

24 _____
25 _____

26

27 I am a person other than the Debtor and I have the following interest in
28 the property:

29 _____
30 _____

31

1 Name _____ Name _____
2 Signature _____ Signature _____
3 Address _____ Address _____
4 _____
5 Telephone Telephone
6 Number _____ Number _____
7 (Required) (Required)

8
9

10 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR**
11 **PROPERTY BACK.** You may seek to reclaim your exempt property by doing
12 the following:

13 (1) Fill out the Challenge to Execution form that you received with this
14 notice.

15 (2) Mail or deliver the Challenge to Execution form to the court admin-
16 istrator at the address shown on the writ of execution.

17 (3) Mail or deliver a copy of the Challenge to Execution form to the
18 judgment creditor at the address shown on the writ of execution.

19 You should be prepared to explain your exemption in court. If you have
20 any questions about the execution or the debt, you should see an attorney.

21

22 **YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR**
23 **THE FOLLOWING PURPOSES:**

24 (1) To claim such exemptions from execution as are permitted by law.

25 (2) To assert that the amount specified in the writ of execution as being
26 subject to execution is greater than the total amount owed.

27

28 **YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO**
29 **CHALLENGE THE VALIDITY OF THE DEBT.**

30

31 **IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE**

1 SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD IN-
2 CLUDE A FINE. Penalties that you could be subject to are listed in ORS
3 18.899.

4
5 NOTICE OF EXEMPT PROPERTY
6

7 Property belonging to you may have been taken or held in order to satisfy
8 a debt. The debt may be reflected in a judgment or in a warrant or order
9 issued by a state agency. Important legal papers are enclosed.

10 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ
11 THIS NOTICE CAREFULLY.

12 State and federal law specify that certain property may not be taken.
13 Some of the property that you may be able to get back is listed below.

14 *[(1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever*
15 *of the following amounts is greater:]*

16 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385,**
17 **in an amount that does not exceed the greater of:**

- 18 (a) 75 percent of your take-home wages; or
19 (b) **[\$254] The amount specified in ORS 18.385 (2)(a),** per workweek.
20 (2) Social Security benefits.
21 (3) Supplemental Security Income (SSI).
22 (4) Public assistance (welfare).
23 (5) Unemployment benefits.
24 (6) Disability benefits (other than SSI benefits).
25 (7) Workers' compensation benefits.

26 (8) All Social Security benefits and Supplemental Security Income bene-
27 fits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unem-
28 ployment benefits and disability benefits, that are held in a bank account.

29 (9) Spousal support, child support or separate maintenance to the extent
30 reasonably necessary for your support or the support of any of your depen-
31 dents.

1 (10) A homestead (house, manufactured dwelling or floating home) occu-
2 pied by you, or occupied by your spouse, parent or child. Up to [~~\$40,000~~
3 **\$150,000**] of the value of the homestead is exempt. If you jointly own the
4 homestead with another person who is also liable on the debt, up to
5 [~~\$50,000~~] **\$300,000** of the value of the homestead is exempt.

6 (11) Proceeds from the sale of a homestead described in item 10, up to the
7 limits described in item 10, if you hold the proceeds for less than one year
8 and intend to use those proceeds to procure another homestead.

9 (12) Household goods, furniture, radios, a television set and utensils with
10 a combined value not to exceed \$3,000.

11 [~~*(13) An automobile, truck, trailer or other vehicle with a value not to~~
12 ~~exceed \$3,000.]~~

13 ***(13) A vehicle, including an automobile, truck, trailer, truck and**
14 **trailer or other motor vehicle, with a value not to exceed \$10,000.**

15 *(14) Tools, implements, apparatus, team, harness or library that are
16 necessary to carry on your occupation, with a combined value not to exceed
17 \$5,000.

18 *(15) Books, pictures and musical instruments with a combined value not
19 to exceed \$600.

20 *(16) Wearing apparel, jewelry and other personal items with a combined
21 value not to exceed \$1,800.

22 (17) Domestic animals and poultry for family use with a combined value
23 not to exceed \$1,000 and their food for 60 days.

24 (18) Provisions and fuel for your family for 60 days.

25 (19) One rifle or shotgun and one pistol. The combined value of all
26 firearms claimed as exempt may not exceed \$1,000.

27 (20) Public or private pensions.

28 (21) Veterans' benefits and loans.

29 (22) Medical assistance benefits.

30 (23) Health insurance proceeds and disability proceeds of life insurance
31 policies.

1 (24) Cash surrender value of life insurance policies not payable to your
2 estate.

3 (25) Federal annuities.

4 (26) Other annuities to \$250 per month (excess over \$250 per month is
5 subject to the same exemption as wages).

6 ***(27) Up to \$2,500 in all of the accounts you hold in a financial in-**
7 **stitution to the extent that such amounts are exempt under ORS**
8 **18.785.**

9 [(27)] (28) Professionally prescribed health aids for you or any of your
10 dependents.

11 *[(28)] (29) Rental assistance to an elderly person allowed pursuant to
12 ORS 458.375.

13 *[(29)] (30) Your right to receive, or property traceable to:

14 *(a) An award under any crime victim reparation law.

15 *(b) A payment or payments, not exceeding a total of \$10,000, on account
16 of personal bodily injury suffered by you or an individual of whom you are
17 a dependent.

18 *(c) A payment in compensation of loss of future earnings of you or an
19 individual of whom you are or were a dependent, to the extent reasonably
20 necessary for your support and the support of any of your dependents.

21 [(30)] (31) Amounts paid to you as an earned income tax credit under
22 federal tax law.

23 [(31)] (32) Your right to the assets held in, or right to receive payments
24 under, a medical savings account or health savings account authorized under
25 section 220 or 223 of the Internal Revenue Code.

26 [(32)] (33) Interest in personal property to the value of \$400, but this
27 cannot be used to increase the amount of any other exemption.

28 [(33)] (34) Equitable interests in property.

29 Note: If two or more people in your household owe the claim or judgment,
30 each of them may claim the exemptions marked by an asterisk (*).

31

1 **Note: The amounts specified as limitations on exemptions in this**
2 **form may change as a result of changes in the Consumer Price Index**
3 **for All Urban Consumers, West Region (All Items), as published by the**
4 **Bureau of Labor Statistics of the United States Department of Labor**
5 **or a successor agency. You may view updated garnishment exemption**
6 **limitations on the Oregon Judicial Department website.**

7 _____
8 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD
9 SUPPORT AND SPOUSAL SUPPORT. Some property that may not other-
10 wise be taken for payment against the debt may be taken to pay for overdue
11 support. For instance, Social Security benefits, workers' compensation bene-
12 fits, unemployment benefits, veterans' benefits and pensions are normally
13 exempt, but only 50 percent of a lump sum payment of these benefits is ex-
14 empt if the debt is owed for a support obligation.

15 _____
16 **SECTION 26. Section 27 of this 2024 Act is added to and made a part**
17 **of ORS 18.600 to 18.850.**

18 **SECTION 27. (1) If a judgment debtor's debt arises out of a child**
19 **support or spousal support obligation or a money award judgment that**
20 **includes restitution, a challenge to execution form must be in sub-**
21 **stantially the form set forth in this section. The challenge to execution**
22 **form described in this section does not expand or restrict the law re-**
23 **lating to exempt property. A determination as to whether property is**
24 **exempt from attachment or execution must be made by reference to**
25 **other law. The form provided in this section may be modified to pro-**
26 **vide more information or to update the notice based on subsequent**
27 **changes in exemption laws.**

28 **(2) The challenge to execution form under this section must be in**
29 **substantially the following form:**

30 _____
31 _____ COURT

COUNTY OF _____

1
2
3
4
5
6
7
8
9
10

_____) CHALLENGE TO
Plaintiff,) EXECUTION
)
vs.) Case No. _____
)
_____)
Defendant.)

THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING PURPOSES:

(1) To claim such exemptions from execution as are permitted by law.

(2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

I/We claim that the following described property or money is exempt from execution:

I/We believe this property is exempt from execution because (the Notice of Exempt Property at the end of this form describes most types

1 of property that you can claim as exempt from execution):

2 _____
3 _____

4

5 I am a person other than the Debtor and I have the following in-
6 terest in the property:

7 _____
8 _____

9

10	Name _____	Name _____
11	Signature _____	Signature _____
12	Address _____	Address _____
13	_____	_____
14	Telephone	Telephone
15	Number _____	Number _____
16	(Required)	(Required)

17

18 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY**
19 **OR PROPERTY BACK. You may seek to reclaim your exempt property**
20 **by doing the following:**

21 (1) Fill out the Challenge to Execution form that you received with
22 this notice.

23 (2) Mail or deliver the Challenge to Execution form to the court
24 administrator at the address shown on the writ of execution.

25 (3) Mail or deliver a copy of the Challenge to Execution form to the
26 judgment creditor at the address shown on the writ of execution.

27 You should be prepared to explain your exemption in court. If you
28 have any questions about the execution or the debt, you should see
29 an attorney.

30

31 **YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY**

1 **FOR THE FOLLOWING PURPOSES:**

2 (1) To claim such exemptions from execution as are permitted by
3 law.

4 (2) To assert that the amount specified in the writ of execution as
5 being subject to execution is greater than the total amount owed.

6

7 **YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM**
8 **TO CHALLENGE THE VALIDITY OF THE DEBT.**

9

10 **IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE**
11 **SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD**
12 **INCLUDE A FINE. Penalties that you could be subject to are listed**
13 **in ORS 18.899.**

14

15

NOTICE OF EXEMPT PROPERTY

16

17 **Property belonging to you may have been taken or held in order to**
18 **satisfy a debt. The debt may be reflected in a judgment or in a warrant**
19 **or order issued by a state agency. Important legal papers are enclosed.**

20 **YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ**
21 **THIS NOTICE CAREFULLY.**

22 **State and federal law specify that certain property may not be**
23 **taken. Some of the property that you may be able to get back is listed**
24 **below.**

25 (1) **Your disposable earnings, as described in ORS 18.375 and 18.385,**
26 **in an amount that does not exceed the greater of:**

27 (a) **75 percent of your take-home wages; or**

28 (b) **\$254 per workweek.**

29 (2) **Social Security benefits.**

30 (3) **Supplemental Security Income (SSI).**

31 (4) **Public assistance (welfare).**

1 **(5) Unemployment benefits.**

2 **(6) Disability benefits (other than SSI benefits).**

3 **(7) Workers' compensation benefits.**

4 **(8) All Social Security benefits and Supplemental Security Income**
5 **benefits, and up to \$7,500 in exempt wages, retirement benefits, wel-**
6 **fare, unemployment benefits and disability benefits, that are held in**
7 **a bank account.**

8 **(9) Spousal support, child support or separate maintenance to the**
9 **extent reasonably necessary for your support or the support of any of**
10 **your dependents.**

11 **(10) A homestead (house, manufactured dwelling or floating home)**
12 **occupied by you, or occupied by your spouse, parent or child. Up to**
13 **\$40,000 of the value of the homestead is exempt. If you jointly own the**
14 **homestead with another person who is also liable on the debt, up to**
15 **\$50,000 of the value of the homestead is exempt.**

16 **(11) Proceeds from the sale of a homestead described in item 10, up**
17 **to the limits described in item 10, if you hold the proceeds for less than**
18 **one year and intend to use those proceeds to procure another home-**
19 **stead.**

20 **(12) Household goods, furniture, radios, a television set and utensils**
21 **with a combined value not to exceed \$3,000.**

22 ***(13) A vehicle, including an automobile, truck, trailer, truck and**
23 **trailer or other motor vehicle, with a value not to exceed \$3,000.**

24 ***(14) Tools, implements, apparatus, team, harness or library that**
25 **are necessary to carry on your occupation, with a combined value not**
26 **to exceed \$5,000.**

27 ***(15) Books, pictures and musical instruments with a combined**
28 **value not to exceed \$600.**

29 ***(16) Wearing apparel, jewelry and other personal items with a**
30 **combined value not to exceed \$1,800.**

31 **(17) Domestic animals and poultry for family use with a combined**

1 value not to exceed \$1,000 and their food for 60 days.

2 (18) Provisions and fuel for your family for 60 days.

3 (19) One rifle or shotgun and one pistol. The combined value of all
4 firearms claimed as exempt may not exceed \$1,000.

5 (20) Public or private pensions.

6 (21) Veterans' benefits and loans.

7 (22) Medical assistance benefits.

8 (23) Health insurance proceeds and disability proceeds of life insur-
9 ance policies.

10 (24) Cash surrender value of life insurance policies not payable to
11 your estate.

12 (25) Federal annuities.

13 (26) Other annuities to \$250 per month (excess over \$250 per month
14 is subject to the same exemption as wages).

15 (27) Professionally prescribed health aids for you or any of your
16 dependents.

17 *(28) Rental assistance to an elderly person allowed pursuant to
18 ORS 458.375.

19 *(29) Your right to receive, or property traceable to:

20 *(a) An award under any crime victim reparation law.

21 *(b) A payment or payments, not exceeding a total of \$10,000, on
22 account of personal bodily injury suffered by you or an individual of
23 whom you are a dependent.

24 *(c) A payment in compensation of loss of future earnings of you
25 or an individual of whom you are or were a dependent, to the extent
26 reasonably necessary for your support and the support of any of your
27 dependents.

28 (30) Amounts paid to you as an earned income tax credit under
29 federal tax law.

30 (31) Your right to the assets held in, or right to receive payments
31 under, a medical savings account or health savings account authorized

1 **under section 220 or 223 of the Internal Revenue Code.**

2 **(32) Interest in personal property to the value of \$400, but this**
3 **cannot be used to increase the amount of any other exemption.**

4 **(33) Equitable interests in property.**

5 **Note: If two or more people in your household owe the claim or**
6 **judgment, each of them may claim the exemptions marked by an as-**
7 **terisk (*).**

8

9 **SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR**
10 **CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may**
11 **not otherwise be taken for payment against the debt may be taken to**
12 **pay for overdue support. For instance, Social Security benefits,**
13 **workers' compensation benefits, unemployment benefits, veterans'**
14 **benefits and pensions are normally exempt, but only 50 percent of a**
15 **lump sum payment of these benefits is exempt if the debt is owed for**
16 **a support obligation.**

17

18 **SECTION 28.** ORCP 84 D is amended to read:

19 **D Writ of attachment.**

20 **D(1) Issuance; contents; to whom directed; issuance of several writs.** If
21 directed by an order authorizing provisional process under Rule 83, the clerk
22 shall issue a writ of attachment. The writ shall be directed to the sheriff
23 of any county in which property of the defendant may be, and shall require
24 the sheriff to attach and safely keep all the property of the defendant within
25 the county not exempt from execution, or so much thereof as may be suffi-
26 cient to satisfy the plaintiff's demand, the amount of which shall be stated
27 in conformity with the complaint, together with costs and expenses. Several
28 writs may be issued at the same time to the sheriffs of different counties.

29 **D(2) Manner of executing writ.** The sheriff to whom the writ is directed
30 and delivered shall note upon the writ the date of such delivery, and shall
31 execute the writ without delay, as follows:

1 D(2)(a) Personal property not in possession of third party. Tangible per-
2 sonal property not in the possession of a third person shall be attached by
3 taking it into the sheriff's custody. If any property attached is perishable,
4 or livestock, where the cost of keeping is great, the sheriff shall sell the
5 same in the manner in which property is sold on execution. The proceeds
6 thereof and other property attached shall be retained by the sheriff to answer
7 any judgment that may be recovered in the action, unless sooner subjected
8 to execution upon another judgment. Plaintiff's lien shall attach when the
9 property is taken into the sheriff's custody.

10 D(2)(b) Other personal property. Tangible and intangible personal prop-
11 erty in the possession, control or custody of or debts or other monetary ob-
12 ligations owing by a third person shall be attached by writs of garnishment
13 issued by the clerk of a court or by an attorney as provided in ORS 18.600
14 to 18.850.

15 D(3) Notice to defendant. After taking property into custody under sub-
16 section (2)(a) of this section, the sheriff shall promptly mail or deliver to the
17 defendant, at the last-known address of the defendant, a copy of the writ of
18 attachment, a copy of the claim of lien filed pursuant to section C of this
19 rule, if any, a notice of exemptions form provided by ORS 18.845 **or section**
20 **19 of this 2024 Act, as appropriate,** and a challenge to garnishment form
21 provided by ORS 18.850. The sheriff may meet the requirements of this sub-
22 section by mailing the documents to the last-known address of the defendant
23 as provided by the plaintiff. The sheriff may withhold execution of the writ
24 until the plaintiff provides such address or a statement that the plaintiff has
25 no knowledge of the defendant's address. The sheriff shall have no duty un-
26 der this subsection if the plaintiff provides a statement that the plaintiff has
27 no knowledge of the defendant's address.

28 D(4) Return of writ; inventory. When the writ of attachment has been
29 fully executed or discharged, the sheriff shall return the same, with the
30 sheriff's proceedings indorsed thereon, to the clerk of the court where the
31 action was commenced, and the sheriff shall make a full inventory of the

1 property attached and return the same with the writ.

2 D(5) Indemnity to sheriff. Whenever a writ of attachment is delivered to
3 the sheriff, if the sheriff has actual notice of any third party claim to the
4 personal property to be levied on or is in doubt as to ownership of the
5 property, or of encumbrances thereon, or damage to the property held that
6 may result by reason of its perishable character, such sheriff may require the
7 plaintiff to file with the sheriff a surety bond, indemnifying the sheriff and
8 the sheriff's bondsmen against any loss or damage by reason of the illegality
9 of any holding or sale on execution, or by reason of damage to any personal
10 property held under attachment. Unless a lesser amount is acceptable to the
11 sheriff, the bond shall be in double the amount of the estimated value of the
12 property to be seized.

13 **SECTION 29.** ORS 646.639 is amended to read:

14 646.639. (1) As used in this section and ORS 646A.670:

15 (a) "Charged-off debt" means a debt that a creditor treats as a loss or
16 expense and not as an asset.

17 (b) "Consumer" means a natural person who purchases or acquires prop-
18 erty, services or credit for personal, family or household purposes.

19 (c) "Consumer transaction" means a transaction between a consumer and
20 a person that sells, leases or provides property, services or credit to con-
21 sumers.

22 (d) "Credit" means a right that a creditor grants to a consumer to defer
23 payment of a debt, to incur a debt and defer payment of the debt, or to
24 purchase or acquire property or services and defer payment for the property
25 or services.

26 (e) "Creditor" means a person that, in the ordinary course of the person's
27 business, engages in consumer transactions that result in a consumer owing
28 a debt to the person.

29 (f) "Debt" means an obligation or alleged obligation that arises out of a
30 consumer transaction.

31 (g)(A) "Debt buyer" means a person that regularly engages in the business

1 of purchasing charged-off debt for the purpose of collecting the charged-off
2 debt or hiring another person to collect or bring legal action to collect the
3 charged-off debt.

4 (B) “Debt buyer” does not include a person that acquires charged-off debt
5 as an incidental part of acquiring a portfolio of debt that is predominantly
6 not charged-off debt.

7 (h) “Debt collector” means a person that by direct or indirect action,
8 conduct or practice collects or attempts to collect a debt owed, or alleged
9 to be owed, to a creditor or debt buyer.

10 (i) “Debtor” means a consumer who owes or allegedly owes a debt, in-
11 cluding a consumer who owes an amount that differs from the amount that
12 a debt collector attempts to collect or that a debt buyer purchased or at-
13 tempts to collect.

14 (j) “Legal action” means a lawsuit, mediation, arbitration or any other
15 proceeding in any court, including a small claims court.

16 (k) “Original creditor” means the last entity that extended credit to a
17 consumer to purchase goods or services, to lease goods or as a loan of mon-
18 eys.

19 (L) “Person” means an individual, corporation, trust, partnership, incor-
20 porated or unincorporated association or any other legal entity.

21 (2) A debt collector engages in an unlawful collection practice if the debt
22 collector, while collecting or attempting to collect a debt, does any of the
23 following:

24 (a) Uses or threatens to use force or violence to cause physical harm to
25 a debtor or to the debtor’s family or property.

26 (b) Threatens arrest or criminal prosecution.

27 (c) Threatens to seize, attach or sell a debtor’s property if doing so re-
28 quires a court order and the debt collector does not disclose that seizing,
29 attaching or selling the debtor’s property requires prior court proceedings.

30 (d) Uses profane, obscene or abusive language in communicating with a
31 debtor or the debtor’s family.

1 (e) Communicates with a debtor or any member of the debtor's family
2 repeatedly or continuously or at times known to be inconvenient to the
3 debtor or any member of the debtor's family and with intent to harass or
4 annoy the debtor or any member of the debtor's family.

5 (f) Communicates or threatens to communicate with a debtor's employer
6 concerning the nature or existence of the debt.

7 (g) Communicates without a debtor's permission or threatens to commu-
8 nicate with the debtor at the debtor's place of employment if the place of
9 employment is other than the debtor's residence, except that the debt col-
10 lector may:

11 (A) Write to the debtor at the debtor's place of employment if a home
12 address is not reasonably available and if the envelope does not reveal that
13 the communication is from a debt collector other than the person that pro-
14 vided the goods, services or credit from which the debt arose.

15 (B) Telephone a debtor's place of employment without informing any
16 other person of the nature of the call or identifying the caller as a debt
17 collector but only if the debt collector in good faith has made an unsuc-
18 cessful attempt to telephone the debtor at the debtor's residence during the
19 day or during the evening between the hours of 6 p.m. and 9 p.m. The debt
20 collector may not contact the debtor at the debtor's place of employment
21 more frequently than once each business week and may not telephone the
22 debtor at the debtor's place of employment if the debtor notifies the debt
23 collector not to telephone at the debtor's place of employment or if the debt
24 collector knows or has reason to know that the debtor's employer prohibits
25 the debtor from receiving such communication. For the purposes of this
26 subparagraph, any language in any agreement, contract or instrument that
27 creates or is evidence of the debt and that purports to authorize telephone
28 calls at the debtor's place of employment does not give permission to the debt
29 collector to call the debtor at the debtor's place of employment.

30 (h) Communicates with a debtor in writing without clearly identifying the
31 name of the debt collector, the name of the person, if any, for whom the debt

1 collector is attempting to collect the debt and the debt collector's business
2 address, on all initial communications. In subsequent communications in-
3 volving multiple accounts, the debt collector may eliminate the name of the
4 person, if any, for whom the debt collector is attempting to collect the debt
5 and substitute the term "various" in place of the person's name.

6 (i) Communicates with a debtor orally without disclosing to the debtor,
7 within 30 seconds after beginning the communication, the name of the indi-
8 vidual who is initiating the communication and the true purpose of the
9 communication.

10 (j) Conceals the true purpose of the communication so as to cause any
11 expense to a debtor in the form of long distance telephone calls, telegram
12 fees, additional charges for wireless communication or other charges the
13 debtor might incur by using a medium of communication.

14 (k) Attempts or threatens to enforce a right or remedy while knowing or
15 having reason to know that the right or remedy does not exist, or threatens
16 to take any action that the debt collector in the regular course of business
17 does not take.

18 (L) Uses any form of communication that simulates legal or judicial pro-
19 cess or that appears to be authorized, issued or approved by a governmental
20 agency, governmental official or an attorney at law if the corresponding
21 governmental agency, governmental official or attorney at law has not in
22 fact authorized or approved the communication.

23 (m) Represents that an existing debt may be increased by the addition of
24 attorney fees, investigation fees or any other fees or charges if the fees or
25 charges may not legally be added to the existing debt.

26 (n) Collects or attempts to collect interest or other charges or fees that
27 exceed the actual debt unless the agreement, contract or instrument that
28 creates the debt expressly authorizes, or a law expressly allows, the interest
29 or other charges or fees.

30 (o) Threatens to assign or sell a debtor's account and misrepresents or
31 implies that the debtor would lose any defense to the debt or would be sub-

1 jected to harsh, vindictive or abusive collection tactics.

2 (p) Uses the seal or letterhead of a public official or a public agency, as
3 those terms are defined in ORS 171.725.

4 (q) Collects or attempts to collect any debt that the debt collector knows,
5 or after exercising reasonable diligence would know, arises from medical
6 expenses that qualify for reimbursement under the Oregon Health Plan or
7 under Medicaid, except that:

8 (A) The debt collector does not engage in an unlawful collection practice
9 if the debt collector can produce an affidavit or certificate from the original
10 creditor that shows that the original creditor complied with Oregon Health
11 Authority rules barring payments for services that Medicaid fee-for-service
12 plans or contracted health care plans cover; and

13 (B) For purposes of this paragraph, a prepaid managed care health ser-
14 vices organization, a coordinated care organization or a public body, as de-
15 fined in ORS 174.109, or an agent or assignee of the organization or public
16 body, is not a debt collector if the organization or public body seeks to col-
17 lect a debt that arises under ORS 416.540.

18 (r) Files a legal action to collect or files a legal action to attempt to
19 collect a debt if the debt collector knows, or after exercising reasonable
20 diligence would know, that an applicable statute of limitations bars the col-
21 lection or the collection attempt.

22 *[(s) Knowingly collects any amount, including any interest fee, charge or*
23 *expense incidental to the principal obligation, unless the amount is expressly*
24 *authorized by the agreement creating the debt or permitted by law.]*

25 **(s) Collects or attempts to collect or threatens to collect a debt or**
26 **any interest fee, charge or expense incidental to the principal obli-**
27 **gation, by any means, including through legal action, while knowing**
28 **or having reason to know that the debt does not exist, is not owed by**
29 **the debtor or is not allowed by the contract creating the debt or by**
30 **law. The fact that the debt collector obtains a judgment for less than**
31 **the amount sought in the complaint or fails to obtain a judgment at**

1 **all does not by itself establish a violation of this section.**

2 (t) Collects or attempts to collect a debt if the debt collector is a debt
3 buyer, or is acting on a debt buyer's behalf, and collects or attempts to col-
4 lect purchased debt before providing to a debtor, within 30 days after the
5 date of the debtor's request, all of the documents listed in subsection (4)(b)
6 of this section.

7 (u) Collects or attempts to collect a debt without complying with the re-
8 quirements of ORS 646A.677.

9 (3) A debt collector engages in an unlawful collection practice if the debt
10 collector, by use of any direct or indirect action, conduct or practice, en-
11 forces or attempts to enforce an obligation made void and unenforceable by
12 the provisions of ORS 759.720 (3) to (5).

13 (4) A debt buyer or debt collector acting on behalf of a debt buyer engages
14 in an unlawful collection practice if the debt buyer or debt collector:

15 (a) Files legal action against a debtor or files legal action to attempt to
16 collect a debt if the debt buyer or debt collector knows or after exercising
17 reasonable diligence would know that an applicable statute of limitations
18 bars the legal action to collect or the legal action to attempt to collect the
19 debt;

20 (b) Brings a legal action against a debtor or otherwise brings a legal
21 action to attempt to collect a debt without possessing business records that
22 satisfy the requirements of ORS 40.460 (6), or of ORS 24.115, if the record is
23 a foreign judgment, that establish the nature and the amount of the debt and
24 that include:

25 (A) The original creditor's name, written as the original creditor used the
26 name in dealings with the debtor;

27 (B) The name and address of the debtor;

28 (C) The name, address and telephone number of the person that owns the
29 debt and a statement as to whether the person is a debt buyer;

30 (D) The last four digits of the original creditor's account number for the
31 debt, if the original creditor's account number for the debt had four or more

1 digits;

2 (E) A detailed and itemized statement of:

3 (i) The amount the debtor last paid on the debt, if the debtor made a
4 payment, and the date of the payment;

5 (ii) The amount and date of the debtor's last payment on the debt before
6 the debtor defaulted or before the debt became charged-off debt;

7 (iii) The balance due on the debt on the date on which the debt became
8 charged-off debt;

9 (iv) The amount and rate of interest, any fees and any charges that the
10 original creditor imposed, if the debt buyer or debt collector knows the
11 amount, rate, fee or charge;

12 (v) The amount and rate of interest, any fees and any charges that the
13 debt buyer or any previous owner of the debt imposed, if the debt buyer or
14 debt collector knows the amount, rate, fee or charge;

15 (vi) The attorney fees the debt buyer or debt collector seeks, if the debt
16 buyer or debt collector expects to recover attorney fees; and

17 (vii) Any other fee, cost or charge the debt buyer seeks to recover;

18 (F) Evidence that the debt buyer and only the debt buyer owns the debt;

19 (G) The date on which the debt buyer purchased the debt; and

20 (H) A copy of the agreement between the original creditor and the debtor
21 that is either:

22 (i) The contract or other writing the debtor signed that created and is
23 evidence of the original debt; or

24 (ii) A copy of the most recent monthly statement that shows a purchase
25 transaction or balance transfer or the debtor's last payment, if the debtor
26 made a payment, if the debt is a credit card debt or other debt for which a
27 contract or other writing that is evidence of the debt does not exist;

28 (c) Fails to provide to a debtor, after the debt buyer or debt collector
29 receives payment in cash or the debtor requests the receipt, a receipt that:

30 (A) Shows the name of the creditor or creditors for whom the debt buyer
31 or debt collector received the payment and, if the creditor is not the original

1 creditor, the account number that the original creditor assigned; and

2 (B) States clearly whether the debt buyer or debt collector accepts the
3 payment as payment in full or as a full and final compromise of the debt and,
4 if not, the balance remaining on the debt after the payment;

5 (d) Collects or attempts to collect a debt before providing, in response to
6 a debtor's request, the documents required under paragraph (b) of this sub-
7 section. A debt buyer or a debt collector that acts on the debt buyer's behalf
8 does not engage in an unlawful collection practice under this paragraph if
9 the debt buyer or debt collector collects or attempts to collect a debt after
10 providing the required documents to the debtor; or

11 (e) Uses any direct or indirect action, conduct or practice to violate a
12 provision of this section or ORS 646A.670.

13 (5) A debt collector is not acting on a debt buyer's behalf, and is not
14 subject to the duties to which a debt buyer is subject under this section and
15 ORS 646A.670, if the debt collector collects or attempts to collect a debt on
16 behalf of an owner that retains a direct interest in the debt or if the debt
17 is not a debt that a debt buyer purchased.

18 **SECTION 30.** ORS 646.641 is amended to read:

19 646.641. (1) Any person injured as a result of willful use or employment
20 by another person of an unlawful collection practice may bring an action in
21 an appropriate court to enjoin the practice or to recover actual damages or
22 [~~\$200~~] **\$1,000**, whichever is greater. The court or the jury may award punitive
23 damages, and the court may provide such equitable relief as it deems neces-
24 sary or proper.

25 (2) In any action brought by a person under this section, the court may
26 award reasonable attorney fees [*to the prevailing party*] **and costs at trial**
27 **and on appeal to a prevailing plaintiff. The court may award reason-**
28 **able attorney fees and costs at trial and on appeal to a prevailing de-**
29 **fendant only if the court finds that the plaintiff had no objectively**
30 **reasonable basis for bringing the action or asserting the ground for**
31 **appeal.**

1 (3) Actions brought under this section shall be commenced within [*one*
2 *year*] **three years** from the date of the injury.

3 **SECTION 31. ORS 18.784 and 646.643 are repealed.**

4 **SECTION 32. (1) Sections 19 and 27 of this 2024 Act and the**
5 **amendments to ORS 18.345, 18.348, 18.385, 18.395, 18.402, 18.412, 18.600,**
6 **18.618, 18.658, 18.785, 18.787, 18.788, 18.790, 18.835, 18.838, 18.840, 18.845,**
7 **18.847, 18.854, 18.855, 18.888, 18.892, 18.896 and ORCP 84 D by sections 1**
8 **to 17, 20 to 25 and 28 of this 2024 Act and the repeal of ORS 18.784 by**
9 **section 31 of this 2024 Act apply to writs of garnishment and writs of**
10 **execution issued on or after the effective date of this 2024 Act and to**
11 **notices of wage garnishment that are in effect on or after the effective**
12 **date of this 2024 Act.**

13 **(2) The amendments to ORS 646.639 and 646.641 by sections 29 and**
14 **30 of this 2024 Act apply to attempts to collect a debt that occur on**
15 **or after the effective date of this 2024 Act.**

16 **SECTION 33. This 2024 Act takes effect on the 91st day after the**
17 **date on which the 2024 regular session of the Eighty-second Legislative**
18 **Assembly adjourns sine die.**

19 _____