

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB19-1189 be amended as follows:

- 1 Amend printed bill, page 5, line 1, strike "FIFTEEN" and substitute
2 "TWENTY".
- 3 Page 5, line 4, strike "FIFTY" and substitute "FORTY".
- 4 Page 5, line 8, strike "FIFTY" and substitute "FORTY".
- 5 Page 5, line 23, strike "GARNISHMENT" and substitute "GARNISHMENT,
6 TOGETHER WITH ANY OTHER INCOME RECEIVED BY THE JUDGMENT
7 DEBTOR'S FAMILY," and after "ACTUAL" insert "AND NECESSARY".
- 8 Page 5, line 26, after the period, insert "IN MAKING THIS DETERMINATION,
9 THE LIVING EXPENSES THE COURT MUST CONSIDER INCLUDE, BUT ARE NOT
10 LIMITED TO, THE FOLLOWING: RENT OR MORTGAGE; UTILITIES; FOOD AND
11 HOUSEHOLD SUPPLIES; MEDICAL AND DENTAL EXPENSES; CHILD CARE;
12 CLOTHING; EDUCATION; TRANSPORTATION; AND MAINTENANCE, ALIMONY,
13 OR CHILD SUPPORT.".
- 14 Page 6, strike lines 17 and 18 and substitute:
15 "(c) THE AMOUNT OF THE JUDGMENT UPON WHICH THE JUDGEMENT
16 CREDITOR BASES THE CONTINUING GARNISHMENT;".
- 17 Page 6, line 22, strike "SECTION;" and substitute "SECTION AND THAT MAY
18 BE INCORPORATED INTO AND MADE A PART OF THE WRIT OF
19 GARNISHMENT;".
- 20 Page 6, line 24, strike "SECTION." and substitute "SECTION AND THAT IS
21 INCORPORATED INTO AND MADE A PART OF THE NOTICE REQUIRED BY
22 SUBSECTION (2)(e) OF THIS SECTION.".
- 23 Page 6, line 26, strike "FORM:" and substitute "FORM AND CONSPICUOUSLY
24 LABELED:".
- 25 Page 7, strike lines 3 through 6 and substitute "YOU ARE GETTING THIS
26 NOTICE BECAUSE A COURT HAS RULED THAT YOU OWE (NAME OF
27 JUDGMENT CREDITOR), WHO IS CALLED "CREDITOR" IN THIS NOTICE,
28 MONEY. CREDITOR HAS STARTED A LEGAL PROCESS".
- 29 Page 7, line 13, strike "FORM." and substitute "NOTICE.".
- 30 Page 7, lines 18 and 19, strike "(INSERT ADDRESS PROVIDED BY

- 1 CREDITOR)." and substitute "THE ADDRESS AT THE VERY BEGINNING OF
2 THIS FORM."
- 3 Page 7, line 20, strike "FOURTEEN" and substitute "14".
- 4 Page 7, line 23, strike "SEVEN" and substitute "7".
- 5 Page 8, strike line 1 and substitute "THE AMOUNT THE COURT HAS RULED
6 THAT YOU CURRENTLY OWE IS LISTED AT THE TOP OF THE WRIT OF
7 GARNISHMENT".
- 8 Page 8, line 2, strike "AMOUNT)".
- 9 Page 8, line 3, strike "CREDITOR SAYS".
- 10 Page 8, line 4, strike "THAT THE"and substitute "THE".
- 11 Page 8, line 5, strike "(INSERT RATE) %." and substitute "LISTED AT THE
12 TOP OF THE WRIT OF GARNISHMENT."
- 13 Page 8, line 10, strike "30" and substitute "14" and strike "YOU RECEIVE"
14 and substitute "THE DAY THE PERSON WHO PAYS YOU SENDS YOU".
- 15 Page 8, strike line 12 and substitute "FOR UP TO 6 MONTHS. IF THE DEBT
16 IS NOT PAID OFF BY THAT TIME, CREDITOR MAY START ANOTHER
17 GARNISHMENT."
- 18 Page 8, strike line 23 and substitute "4. **DO I HAVE OPTIONS?**".
- 19 Page 8, strike line 24 and substitute "YES, YOU HAVE SEVERAL OPTIONS,
20 HERE ARE THREE OF THEM:".
- 21 Page 8, line 25, strike "TALK" and substitute "A. YOU CAN TALK".
- 22 Page 9, line 1, strike "HELP YOU" and substitute "PROVIDE YOU HELP WITH
23 RESOURCES TO".
- 24 Page 9, line 3, strike "CONTACT" and substitute "B. YOU CAN CONTACT".
- 25 Page 9, line 5, strike "THIS IS" and substitute "THE".
- 26 Page 9, strike lines 6 and 7 and substitute "INFORMATION IS ON THE FIRST
27 PAGE OF THE WRIT OF GARNISHMENT."

- 1 Page 9, line 8, strike "REQUEST" and substitute "C. YOU CAN REQUEST".
- 2 Page 9, line 10, strike "SUCH AS WHETHER YOU OWE THE MONEY," and
3 substitute "THE AMOUNT THE COURT HAS RULED THAT YOU OWE,".
- 4 Page 9, line 17, after "YOU" insert "BEFORE GOING TO COURT. YOU MUST
5 DO THIS".
- 6 Page 9, line 20, strike "ALSO, IF" and substitute "IF YOU WANT A COURT
7 HEARING, YOU MUST REQUEST ONE. IF".
- 8 Page 10, line 2, strike "30" and substitute "14".
- 9 Page 10, line 3, strike "YOU RECEIVE" and substitute "THE DAY THE
10 PERSON WHO PAYS YOU SENDS YOU".

11 Page 10, after line 5 insert:

12 **"6. HOW DOES GARNISHMENT WORK IN COLORADO?"**

13 ONLY A PORTION OF YOUR PAY CAN BE GARNISHED.
14 THE AMOUNT THAT CAN BE WITHHELD FROM YOUR PAY
15 DEPENDS ON SOMETHING CALLED "DISPOSABLE EARNINGS".
16 YOUR DISPOSABLE EARNINGS ARE WHAT IS LEFT AFTER
17 DEDUCTIONS FROM YOUR GROSS PAY FOR TAXES AND
18 CERTAIN HEALTH INSURANCE COSTS. YOUR PAYCHECK STUB
19 SHOULD TELL WHAT YOUR DISPOSABLE EARNINGS ARE.

20 THE AMOUNT OF YOUR DISPOSABLE EARNINGS THAT
21 CAN BE GARNISHED IS DETERMINED BY COMPARING TWO
22 NUMBERS: (1) 20% OF YOUR DISPOSABLE EARNINGS AND (2)
23 THE AMOUNT BY WHICH YOUR DISPOSABLE EARNINGS
24 EXCEED 40 TIMES THE MINIMUM WAGE. THE SMALLER OF
25 THESE TWO AMOUNTS WILL BE DEDUCTED FROM YOUR PAY.

26 IF YOU THINK THAT YOUR EARNINGS AFTER
27 GARNISHMENT ARE NOT ENOUGH TO SUPPORT YOURSELF
28 AND ANY MEMBERS OF YOUR FAMILY THAT YOU SUPPORT,
29 YOU CAN TRY TO HAVE THE AMOUNT OF YOUR DISPOSABLE
30 EARNINGS THAT ARE GARNISHED FURTHER REDUCED. THIS
31 IS DISCUSSED EARLIER IN THIS NOTICE UNDER 4. **DO I HAVE**
32 **OPTIONS?**

33 YOUR EMPLOYER CANNOT FIRE YOU BECAUSE YOUR
34 EARNINGS HAVE BEEN GARNISHED. IF YOUR EMPLOYER
35 DOES THIS IN VIOLATION OF YOUR LEGAL RIGHTS, YOU MAY
36 FILE A LAWSUIT WITHIN 91 DAYS OF YOUR FIRING TO
37 RECOVER WAGES YOU LOST BECAUSE YOU WERE FIRED. YOU

1 CAN ALSO SEEK TO BE REINSTATED TO YOUR JOB. IF YOU
2 ARE SUCCESSFUL WITH THIS LAWSUIT, YOU CANNOT
3 RECOVER MORE THAN 6 WEEKS WAGES AND ATTORNEY
4 FEES.

5 BASED ON YOUR MOST RECENT PAYCHECK, THE
6 PERSON WHO PAYS YOU ESTIMATES THAT \$ _____ WILL BE
7 WITHHELD FROM EACH PAYCHECK THAT IS SUBJECT TO
8 GARNISHMENT."

9 Page 10, line 8, strike "IS THE NOTICE OF" and substitute "EXPLAINS WAGE
10 GARNISHMENT IN COLORADO; AND".

11 Page 10, strike line 9.

12 Page 10, strike lines 13 through 16 and substitute:

13 "(II) EXEMPTIONS FROM AND LIMITS ON GARNISHMENT AND
14 PROTECTIONS PURSUANT TO THE LAWS OF COLORADO; AND".

15 Renumber succeeding subparagraph accordingly.

16 Page 10, line 17, strike "LAST" and substitute "MOST RECENT".

17 Page 10, line 21, strike "FOURTEEN" and substitute "SEVEN".

18 Page 11, strike lines 1 through 3.

19 Renumber succeeding subparagraph accordingly.

20 Page 11, strike lines 12 through 14 and substitute "DATE OF THE FIRST
21 PAYDAY THAT IS AT LEAST TWENTY-ONE DAYS AFTER THE GARNISHEE WAS
22 SERVED WITH THE WRIT OF GARNISHMENT IN ACCORDANCE WITH
23 SUBSECTION (1) OF THIS SECTION;"

24 Page 12, strike lines 1 through 3 and substitute "OCCURS AT LEAST
25 TWENTY-ONE DAYS AFTER THE GARNISHEE WAS SERVED WITH THE WRIT
26 OF GARNISHMENT IN ACCORDANCE WITH SUBSECTION (1) OF THIS
27 SECTION."

28 Page 12, after line 11 insert:

29 "SECTION 6. In Colorado Revised Statutes, 13-54.5-108, amend
30 (1)(a) as follows:

31 **13-54.5-108. Judgment debtor to file written objection or**
32 **claim of exemption.** (1) (a) In a case of continuing garnishment where

1 the judgment debtor objects to the calculation of the amount of exempt
2 earnings, the judgment debtor shall have seven days from receipt of the
3 copy of the writ of continuing garnishment required by section
4 13-54.5-105 within which to resolve the issue of such miscalculation, by
5 agreement with the garnishee, during which time the garnishee shall not
6 tender any ~~moneys~~ MONEY to the clerk of the court. If such objection is
7 not resolved within seven days and after good faith effort, the judgment
8 debtor may file a written objection with the clerk of the court in which the
9 judgment was entered setting forth with reasonable detail the grounds for
10 such objection. THE JUDGMENT DEBTOR MAY ALSO FILE A WRITTEN
11 OBJECTION WITH THE CLERK OF THE COURT IN WHICH THE JUDGMENT WAS
12 OBTAINED PURSUANT TO SECTION 13-54-104 (2)(a)(I)(D). The judgment
13 debtor shall, by certified mail, return receipt requested, deliver
14 immediately a copy of such objection to the judgment creditor or his or
15 her attorney of record."

16 Renumber succeeding section accordingly.

17 Page 12, line 12, strike "**date.**" and substitute "**date - applicability. (1)**".

18 Page 12, after line 21, insert:

19 "(2) This act only applies to cases started on or after January 1,
20 2020; except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2020 and, in such case, will apply to cases started
25 on or after the date of the official declaration of the vote thereon by the
26 governor."

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