

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

- 1 Amend printed bill, page 3, line 10, strike "**debt**".
- 2 Page 3, strike lines 18 and 19.
- 3 Page 3, line 22, strike "ONE" and substitute "ON NOVEMBER 1, 2020, A
4 JUDGMENT CREDITOR SHALL NOT INITIATE OR MAINTAIN A NEW
5 EXTRAORDINARY COLLECTION ACTION EXCEPT IN ACCORDANCE WITH THE
6 REQUIREMENTS OF THIS SECTION.".
- 7 Page 3, strike lines 23 and 24.
- 8 Page 3, line 25, strike "ACTION.".
- 9 Page 3, line 27, strike "ACTION." and substitute "ACTION IF THE COURT
10 FINDS THAT THE ACTION DOES NOT COMPLY WITH THE REQUIREMENTS OF
11 THIS SECTION.".
- 12 Page 4, line 8, strike "FOR UP TO AN ADDITIONAL ONE HUNDRED EIGHTY
13 DAYS" and substitute "THROUGH FEBRUARY 1, 2021,".
- 14 Page 4, after line 13 insert:
- 15 "(4) FOR THE DURATION OF THE PERIOD ESTABLISHED IN
16 SUBSECTION (2) OF THIS SECTION, AND AS IT MAY BE EXTENDED UNDER
17 SUBSECTION (3) OF THIS SECTION, PRIOR TO THE EXECUTION OR SERVICE
18 OF A WRIT OR LEGAL PROCESS INTENDED TO EFFECT AN EXTRAORDINARY
19 COLLECTION ACTION, THE JUDGMENT CREDITOR SHALL PROVIDE A
20 WRITTEN NOTICE TO THE JUDGMENT DEBTOR. THE NOTICE MUST BE SENT
21 TO THE JUDGMENT DEBTOR AT LEAST TEN DAYS, BUT NOT MORE THAN
22 SIXTY DAYS, PRIOR TO THE EXECUTION OR SERVICE OF A WRIT OR LEGAL
23 PROCESS INTENDED TO EFFECT THE EXTRAORDINARY COLLECTION ACTION
24 DURING THE DURATION OF THE PERIOD ESTABLISHED IN ACCORDANCE
25 WITH SUBSECTION (2) OF THIS SECTION, AND AS IT MAY BE EXTENDED
26 UNDER SUBSECTION (3) OF THIS SECTION.
- 27 (5) (a) (I) THE NOTICE REQUIRED BY SUBSECTION (4) OF THIS
28 SECTION MUST BE IN AT LEAST SIXTEEN POINT TYPE FACE, AND MUST
29 INCLUDE THE FOLLOWING:
- 30 **"YOU HAVE THE RIGHT TO TEMPORARILY SUSPEND THIS**
31 **COLLECTION ACTION IF YOU ARE FACING FINANCIAL**
32 **HARDSHIP DUE TO THE COVID-19 EMERGENCY.**

1 JUDGMENT CREDITOR NAME:
2 JUDGMENT CREDITOR ADDRESS:
3 CASE NUMBER:
4 PHONE:

5 THE ABOVE JUDGMENT CREDITOR INTENDS ON EXECUTING A COLLECTION
6 ACTION AGAINST YOU. IF YOU HAVE EXPERIENCED FINANCIAL HARDSHIP
7 DUE TO THE COVID-19 EMERGENCY, DIRECTLY OR INDIRECTLY, YOU
8 HAVE THE RIGHT TO SUSPEND TEMPORARILY THIS EXTRAORDINARY
9 COLLECTION ACTION. THE SUSPENSION IS EFFECTIVE UNTIL NOVEMBER 1,
10 2020, OR FEBRUARY 1, 2021, IF THE STATE OF COLORADO EXTENDS THE
11 PERIOD OF SUSPENSION.

12 **TO EXERCISE THIS RIGHT**, YOU MUST NOTIFY THE JUDGMENT CREDITOR
13 THAT YOU ARE EXPERIENCING FINANCIAL HARDSHIP DUE TO THE
14 COVID-19 EMERGENCY. YOU CAN PROVIDE THIS NOTICE BY PHONE CALL
15 OR BY WRITING TO THE CREDITOR AT THE ADDRESS SHOWN IN THIS NOTICE.
16 YOUR NOTIFICATION TO THE JUDGMENT CREDITOR MUST INCLUDE YOUR
17 FULL NAME (FIRST AND LAST), THE CASE NUMBER IDENTIFIED ABOVE AND
18 AT LEAST ONE (1) ADDITIONAL PIECE OF THE FOLLOWING INFORMATION:
19 YOUR DATE OF BIRTH, SOCIAL SECURITY NUMBER, PHYSICAL AND MAILING
20 ADDRESSES, OR THE JUDGMENT CREDITOR'S INTERNAL ACCOUNT NUMBER
21 OR IDENTIFIER, IF DIFFERENT FROM THE CASE NUMBER DESIGNATED
22 ABOVE. YOU ARE NOT REQUIRED TO PROVIDE DOCUMENTATION TO
23 SUPPORT YOUR REQUEST.

24 NOTE: REQUESTING THE TEMPORARY SUSPENSION OF THIS
25 EXTRAORDINARY DEBT COLLECTION ACTION IS NOT A WAIVER OF THE
26 OBLIGATION TO PAY OR DEBT FORGIVENESS. INTEREST MAY CONTINUE TO
27 ACCRUE ON THE JUDGMENT DEBT EVEN WHILE EXTRAORDINARY
28 COLLECTION ACTIONS ARE SUSPENDED.

29 YOU MAY ENTER INTO A VOLUNTARY REPAYMENT PLAN WITH THE
30 JUDGMENT CREDITOR, BUT YOU ARE NOT REQUIRED TO DO SO."

31 (II) A NOTICE ISSUED BY A BANK TO A JUDGMENT DEBTOR MUST
32 ALSO INCLUDE ALL NECESSARY FEDERAL REGULATORY LANGUAGE.

33 (b) THE NOTICE REQUIREMENTS UNDER THIS SECTION TERMINATE
34 ONCE THE PERIOD PROSCRIBED IN SUBSECTION (2) OF THIS SECTION, AND
35 AS IT MAY BE EXTENDED UNDER SUBSECTION (3) OF THIS SECTION,
36 EXPIRES. THE NOTICE MUST BE SENT TO A JUDGMENT DEBTOR AT THE
37 DEBTOR'S LAST KNOWN ADDRESS TO THE JUDGMENT CREDITOR. AN
38 ADDITIONAL COPY OF THE NOTICE MUST ALSO BE SERVED WITH THE WRIT

1 OF GARNISHMENT. IN THE CASE OF A WRIT OF CONTINUING GARNISHMENT
2 FOR WAGES, THE NOTICE MUST ACCOMPANY THE WRIT SERVED UPON THE
3 GARNISHEE. THE FAILURE OF THE GARNISHEE OR ITS AGENT TO PROVIDE
4 THE NOTICE TO THE JUDGMENT DEBTOR REQUIRED BY THIS SUBSECTION (5)
5 DOES NOT CREATE A CAUSE OF ACTION OR REMEDY AGAINST A JUDGMENT
6 CREDITOR."

7 Renumber succeeding subsection accordingly.

8 Page 4, lines 15 and 16, strike "**amend** (1)(e), (1)(j)(I), and (1)(j)(II)(A);
9 and".

10 Page 4, line 17, strike "**definitions.**" and substitute "**definitions -
11 repeal.**".

12 Page 4, strike lines 20 through 27.

13 Page 5, strike lines 1 through 3 and substitute:

14 "(w) (I) THROUGH FEBRUARY 1, 2021, UP TO FOUR THOUSAND
15 DOLLARS CUMULATIVE IN A DEPOSITORY ACCOUNT OR ACCOUNTS IN THE
16 NAME OF THE DEBTOR.

17 (II) THIS SUBSECTION (1)(w) IS REPEALED, EFFECTIVE SEPTEMBER
18 1, 2022."

19 Page 5, strike lines 4 through 22.

20 Renumber succeeding sections accordingly.

21 Page 6, line 3, strike "Sections 3 and 4" and substitute "Section 3".

22 Page 6, lines 3 and 4, strike "apply to writs of garnishment, attachment,
23 or execution" and substitute "applies to writs of attachment or execution".

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