

FIRST REGULAR SESSION

# HOUSE BILL NO. 993

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HURST (Sponsor), CROSS AND WOOD (Co-sponsors).

2115L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 525.030, RSMo, and to enact in lieu thereof one new section relating to the garnishment of wages, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 525.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 525.030, to read as follows:

525.030. 1. No sheriff or other officer charged with the collection of money shall, prior to the return day of an execution or other process upon which the same may be made, be liable to be summoned as garnishee; nor shall any county collector, county treasurer or municipal corporation, or any officer thereof, or any administrator or executor of an estate, prior to an order of distribution, or for payment of legacies, or the allowance of a demand found to be due by his estate, be liable to be summoned as garnishee; nor shall any person be so charged by reason of his having drawn, accepted, made or endorsed any promissory note, bill of exchange, draft or other security, in its nature negotiable, unless it be shown at the hearing that such note, bill or other security was the property of the defendant when the garnishee was summoned, and continued so to be until it became due.

2. The maximum part of the aggregate earnings of any individual for any workweek, after the deduction from those earnings of any amounts required by law to be withheld, which is subjected to garnishment may not exceed (a) twenty-five percentum, or, (b) the amount by which his aggregate earnings for that week, after the deduction from those earnings of any amounts required to be withheld by law, exceed thirty times the federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 earnings are payable, or, (c) if the employee is the head of a family and a resident of this state,  
18 [ten] **twenty** percentum, whichever is less.

19         The restrictions on the maximum earnings subjected to garnishment do not apply in the  
20 case of any order of any court for the support of any person, any order of any court of bankruptcy  
21 under chapter XIII of the Bankruptcy Act or any debt due for any state or federal tax.

22         For pay periods longer than one week, the provisions of subsection 2(a) and (c) of this  
23 section shall apply to the maximum earnings subjected to garnishment for all workweeks  
24 compensated, and under subsection 2(b) of this section, the "multiple" of the federal minimum  
25 hourly wage equivalent to that applicable to the earnings subject to garnishment for one week  
26 shall be represented by the following formula: The number of workweeks or fractions thereof  
27 (x) x 30 x the applicable federal minimum wage. For the purpose of this formula, a calendar  
28 month shall be considered to consist of 4 1/3 workweeks, a semimonthly period to consist of 2  
29 1/6 weeks. The "multiple" for any other pay period longer than one week shall be computed in  
30 a manner consistent herewith.

31         The restrictions on the maximum amount of earnings subjected to garnishment shall also  
32 be applicable to all proceedings involving the sequestration of wages of employees of all political  
33 subdivisions.

34         The term "earnings" as used herein means compensation paid or payable for personal  
35 services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes  
36 periodic payments pursuant to a pension or retirement program.

37         3. In any proceeding of garnishment or sequestration of wages under the provisions of  
38 sections 525.010 to 525.480, the maximum part of the aggregate earnings of any individual in  
39 any workweek which shall be subject to garnishment or sequestration pursuant to the provisions  
40 of subsection 2 of this section shall be construed to constitute all wages or earnings of the  
41 defendant in the garnishee's possession or charge or to be owing by him to the defendant in that  
42 week.

43         4. No notice, summons, or writ of garnishment, or sequestration of wages issued or  
44 served under sections 525.010 to 525.480 shall attach or purport to attach any wages in excess  
45 of the amounts prescribed in subsection 2 of this section and each such notice, summons, or writ  
46 shall have clearly and legibly reproduced thereon the provisions of subsections 2, 5 and 6 of this  
47 section.

48         5. No employer may discharge any employee by reason of the fact that his earnings have  
49 been subjected to garnishment or sequestration for any one indebtedness.

50         6. Whoever willfully violates the provisions of subsection 5 of this section is guilty of  
51 a misdemeanor.

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