

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3104
Page 2-4 Section 2 Lines 17
Of the printed Bill
Of the Engrossed Bill

By deleting Section 2 in its entirety and by inserting in lieu thereof the following: [SEE ATTACHED]

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Chad Caldwell

Reading Clerk

1 "SECTION 2. AMENDATORY 12 O.S. 2011, Section 1190, is
2 amended to read as follows:

3 Section 1190. A. 1. A garnishee may deduct a fee of Ten
4 Dollars (\$10.00) from the funds of the ~~defendant~~ judgment debtor in
5 the garnishee's possession as reimbursement for costs incurred in
6 answering a garnishment issued pursuant to subparagraph a, b, c, d
7 or e of paragraph 2 of subsection B of Section 1171 of this title,
8 except as to garnishments set out in paragraph 2 of this subsection.

9 If the garnishee is not indebted to the ~~defendant~~ judgment debtor
10 and the garnishee's answer evidencing that is filed and mailed or
11 delivered to the judgment creditor or to the judgment creditor's
12 attorney of record, the garnishee may assess the judgment creditor a
13 fee of Ten Dollars (\$10.00) as reimbursement for such costs. Any
14 fee paid to a garnishee pursuant to this paragraph shall be taxed
15 and collected as costs.

16 2. A judgment creditor shall remit a fee of Twenty-five Dollars
17 (\$25.00) as reimbursement for costs incurred in answering a
18 garnishment issued pursuant to subparagraph d of paragraph 2 of
19 subsection B of Section 1171 of this title to garnishees which are
20 federally insured depository institutions. Such fee shall be
21 delivered to the garnishee with the garnishment summons. Any fee
22 paid to a garnishee pursuant to this paragraph shall be taxed and
23 collected as costs.

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1 B. 1. In case of the trial of any issue between the judgment
2 creditor and any garnishee, costs shall be awarded to the judgment
3 creditor and against the garnishee, in addition to the garnishee's
4 liability, if the judgment creditor recovered more than the
5 garnishee admitted by the garnishee's answer; and if the judgment
6 creditor does not, the garnishee shall recover costs from the
7 judgment creditor. The costs shall include a reasonable attorney
8 fee to be taxed in favor of the prevailing party.

9 2. In the case of the trial to determine the amount to be
10 recovered for due and owing child support, where any liability on
11 the part of the garnishee is disclosed, costs shall be awarded to
12 the judgment creditor and against the defendant, including a
13 reasonable attorney fee.

14 C. In all other cases under this article not expressly provided
15 for, the court may, in its discretion, award costs in favor of or
16 against any party.

17 D. In addition to sums otherwise due pursuant to a judgment, a
18 judgment creditor, if represented by an attorney, shall be entitled
19 to an attorney fee of Fifty Dollars (\$50.00) for prosecuting a
20 garnishment pursuant to subparagraphs b, c, and d of paragraph 2 of
21 subsection B of Section 1171 of this title, and an attorney fee of
22 One Hundred Dollars (\$100.00) for prosecuting a garnishment pursuant
23 to subparagraph e of paragraph 2 of subsection B of Section 1171 of
24

1 this title, not to exceed a total of Two Hundred Dollars (\$200.00)
2 in any calendar year."

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