

An Act

ENROLLED HOUSE
BILL NO. 3541

By: Caldwell (Chad) of the
House

and

Pugh of the Senate

An Act relating to civil procedure; amending 12 O.S. 2021, Section 1190, which relates to garnishment fees; increasing fee amount; clarifying procedure; and providing an effective date.

SUBJECT: Civil procedure

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1190, is amended to read as follows:

Section 1190. A. 1. A garnishee may deduct a fee of Ten Dollars (\$10.00) from the funds of the judgment debtor in the garnishee's possession as reimbursement for costs incurred in answering a garnishment issued pursuant to subparagraph a, b, c, d or e of paragraph 2 of subsection B of Section 1171 of this title, except as to garnishments set out in paragraph 2 of this subsection. If the garnishee is not indebted to the judgment debtor and the garnishee's answer evidencing that is filed and mailed or delivered to the judgment creditor or to the judgment creditor's attorney of record, the garnishee may assess the judgment creditor a fee of Ten Dollars (\$10.00) as reimbursement for such costs. Any fee paid to a garnishee pursuant to this paragraph shall be taxed and collected as costs.

2. A judgment creditor shall remit a fee of ~~Twenty-five Dollars (\$25.00)~~ Thirty-five Dollars (\$35.00) as reimbursement for costs incurred in answering a garnishment issued pursuant to subparagraph d of paragraph 2 of subsection B of Section 1171 of this title to

garnishees which are federally insured depository institutions. Such fee shall be delivered to the garnishee with the garnishment summons, and the garnishee shall not be required to attach funds of the judgment debtor until such fee is received. Any fee paid to a garnishee pursuant to this paragraph shall be taxed and collected as costs.

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

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

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

D. In addition to sums otherwise due pursuant to a judgment, a judgment creditor, if represented by an attorney, shall be entitled to an attorney fee of Fifty Dollars (\$50.00) for prosecuting a garnishment pursuant to subparagraphs b, c and d of paragraph 2 of subsection B of Section 1171 of this title, and an attorney fee of One Hundred Dollars (\$100.00) for prosecuting a garnishment pursuant to subparagraph e of paragraph 2 of subsection B of Section 1171 of this title, not to exceed a total of Two Hundred Dollars (\$200.00) in any calendar year.

SECTION 2. This act shall become effective November 1, 2022.

Passed the House of Representatives the 8th day of March, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____