

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 HOUSE BILL 3541

By: Caldwell (Chad) of the
House

5
6 and

7 **Pugh** of the Senate

8
9 AS INTRODUCED

10 An Act relating to civil procedure; amending 12 O.S.
11 2021, Section 1190, which relates to garnishment
12 fees; increasing fee amount; clarifying procedure;
13 and providing an effective date.

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

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

17 Section 1190. A. 1. A garnishee may deduct a fee of Ten
18 Dollars (\$10.00) from the funds of the judgment debtor in the
19 garnishee's possession as reimbursement for costs incurred in
20 answering a garnishment issued pursuant to subparagraph a, b, c, d
21 or e of paragraph 2 of subsection B of Section 1171 of this title,
22 except as to garnishments set out in paragraph 2 of this subsection.
23 If the garnishee is not indebted to the judgment debtor and the
24 garnishee's answer evidencing that is filed and mailed or delivered

1 to the judgment creditor or to the judgment creditor's attorney of
2 record, the garnishee may assess the judgment creditor a fee of Ten
3 Dollars (\$10.00) as reimbursement for such costs. Any fee paid to a
4 garnishee pursuant to this paragraph shall be taxed and collected as
5 costs.

6 2. A judgment creditor shall remit a fee of ~~Twenty-five Dollars~~
7 ~~(\$25.00)~~ Thirty-Five Dollars (\$35.00) as reimbursement for costs
8 incurred in answering a garnishment issued pursuant to subparagraph
9 d of paragraph 2 of subsection B of Section 1171 of this title to
10 garnishees which are federally insured depository institutions.
11 Such fee shall be delivered to the garnishee with the garnishment
12 summons, and the garnishee shall not be required to attach funds of
13 the judgment debtor until such fee is received. Any fee paid to a
14 garnishee pursuant to this paragraph shall be taxed and collected as
15 costs.

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

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

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

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

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

19
20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
21 03/01/2022 - DO PASS, As Coauthored.
22
23
24