

1 requested and that the defendant may object to the issuance of the
2 summons by filing a written objection with the court clerk and
3 delivering or mailing a copy to the plaintiff's attorney within ~~five~~
4 ~~(5)~~ thirty (30) days of the service of the notice. The service of
5 the notice on the defendant satisfies the notice requirement of
6 Section 1174 of this title;

7 2. If no written objection is filed within the ~~five-day~~
8 thirty-day period, and if the undertaking has been executed as
9 provided herein, the court clerk shall issue the garnishee summons;

10 3. Should a written objection be filed within the ~~five-day~~
11 thirty-day period, the court shall, at the request of either party,
12 set the matter for a prompt hearing with notice to the adverse
13 party. If, at the hearing, the plaintiff proves the probable merit
14 of the plaintiff's cause and the truth of the matters asserted in
15 the affidavit and if the plaintiff executes an undertaking, as
16 provided herein, the court may issue the garnishee summons; and

17 4. An undertaking on the part of the plaintiff has been
18 executed by one or more sufficient sureties, approved by the clerk
19 or the court and filed in the clerk's office, in a sum not less than
20 double the amount of the plaintiff's claim, to the effect that the
21 plaintiff shall pay to the defendant all damages which the defendant
22 may sustain by reason of the garnishment, together with a reasonable
23 attorney's fee, if the order be wrongfully obtained.

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1 B. If the court finds that the defendant cannot be given notice
2 as provided by paragraph 1 of subsection A of this section, although
3 a reasonable effort was made to notify the defendant, and at the
4 hearing the plaintiff proves the probable merit of the plaintiff's
5 cause of action and the truth of the matters asserted in the
6 affidavit and the plaintiff has executed an undertaking as provided
7 herein, the court may issue a garnishee summons after which the
8 defendant may move to have the garnishee summons quashed. Notice of
9 a motion to quash, with the date of the hearing, shall be served on
10 the attorney for the plaintiff. The motion shall be heard promptly,
11 and in any case within ~~five (5)~~ thirty (30) days after the date that
12 it is filed. The court must grant the defendant's motion unless, at
13 the hearing on defendant's motion, the plaintiff proves the probable
14 merit of the plaintiff's cause and the truth of the matters asserted
15 in the affidavit. The court clerk may issue an order to pay the
16 money into the court after the hearing, at the direction of the
17 court.

18 C. A prejudgment or postjudgment garnishment may be amended as
19 in other civil actions. Upon request of the garnishor, alias or
20 additional summons shall issue against the garnishee.

21 SECTION 2. AMENDATORY 12 O.S. 2021, Section 1173, as
22 amended by Section 4, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2025,
23 Section 1173), is amended to read as follows:

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1 Section 1173. A. Any judgment creditor may obtain a
2 noncontinuing lien on earnings. For the purposes of this section,
3 "earnings" means any form of payment to an individual including, but
4 not limited to, salary, commission, or other compensation, but does
5 not include reimbursements for travel expenses for state employees.

6 B. A noncontinuing earnings garnishment shall be commenced by
7 filing the affidavit provided for by Section 1172 of this title.

8 C. The form for the summons required by this section shall be
9 prescribed by the Oklahoma Bar Association. The Administrative
10 Office of the Courts shall provide public access to the summons by
11 providing a link to the form on the Oklahoma State Courts Network
12 (OSCN) website.

13 D. The summons shall be served upon the garnishee, together
14 with a copy of the judgment creditor's affidavit, a garnishee's
15 answer form, notice of garnishment and request for hearing, and
16 claim for exemptions, in the manner provided for in Section 2004 of
17 this title and shall be returned with proof of service within ten
18 (10) days of its date.

19 E. The garnishee's answer shall be on a form prescribed by the
20 Oklahoma Bar Association. The Administrative Office of the Courts
21 shall provide public access to the garnishee's answer by providing a
22 link to the form on the Oklahoma State Courts Network (OSCN)
23 website.

24

1 F. Within ~~seven (7) days after the end of the defendant's then~~
2 ~~current pay period or~~ thirty (30) days from the date of service of
3 the garnishment summons, ~~whichever is earlier,~~ the garnishee shall
4 file the answer with the court clerk and the garnishee shall pay the
5 amount withheld from the pay period to the judgment creditor's
6 attorney or to the judgment creditor, if there is no attorney, with
7 a copy of the answer which shall state:

8 1. Whether the garnishee was the employer of or indebted or
9 under any liability to the defendant named in the notice in any
10 manner or upon any account for earnings or wages, specifying, as
11 applicable, the beginning and ending dates of the pay period
12 existing at the time of the service of the affidavit and summons,
13 the total amounts earned in the pay period, and all of the facts and
14 circumstances necessary to a complete understanding of the
15 indebtedness or liability. When the garnishee shall be in doubt
16 respecting the liability or indebtedness, the garnishee may set
17 forth all of the facts and circumstances concerning the same, and
18 submit the question to the court;

19 2. If the garnishee shall claim any setoff, defense, other
20 indebtedness, liability, lien, or claim to the property, the facts
21 and circumstances in the affidavit;

22 3. At the garnishee's option, any claim of exemption from
23 execution on the part of the defendant or other objection known to
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1 the garnishee against the right of the judgment creditor to apply
2 the indebtedness or property disclosed;

3 4. If the garnishee shall disclose any indebtedness or the
4 possession of any property to which the defendant or any other
5 person makes claim, at the garnishee's option, the names and
6 addresses of other claimants and, so far as known, the nature of the
7 claims; and

8 5. That the garnishee has mailed or hand-delivered a copy of
9 the notice of garnishment and exemptions, application for hearing,
10 and the manner and date of compliance.

11 G. The garnishment summons served on the garnishee under this
12 section is a lien on the defendant's property due at the time of
13 service or the effective date of the summons to the extent the
14 property is not exempt from garnishment.

15 H. 1. A garnishment lien under this section has priority over
16 any subsequent garnishment lien or garnishment summons served on the
17 garnishee.

18 2. When a garnishment summons is served under this section on a
19 garnishee while a previous garnishment lien is still in effect, the
20 garnishee shall answer the subsequent garnishment lien or
21 garnishment summons by stating that the garnishee is presently
22 holding defendant's property under a previous garnishment lien or
23 garnishment summons and by giving the date when all previous
24 garnishment liens or garnishment summonses are expected to end.

1 I. 1. When a postjudgment noncontinuing earnings garnishment
2 under this section or a continuing earnings garnishment under
3 Section 1173.4 of this title is issued against a defendant already
4 subject to an income assignment for child support, the garnishee
5 shall determine the maximum percentage of the defendant's disposable
6 earnings according to the provisions of Section 1171.2 of this title
7 and then deduct from that percentage the actual percentage of the
8 defendant's disposable earnings actually withheld under the income
9 assignment. The resulting percentage shall be the amount to be
10 withheld by the garnishee, not to exceed twenty-five percent (25%).

11 2. For any involuntary legal or equitable procedures through
12 which the earnings of any individual are required to be withheld for
13 the payment of any debt which has statutory priority over this
14 section, the amount withheld pursuant to a garnishment under this
15 section shall be reduced by the actual sums withheld pursuant to
16 such other involuntary process.

17 J. A noncontinuing earnings garnishment may be suspended or
18 modified by the judgment creditor upon agreement with the judgment
19 debtor, which agreement shall be in writing and filed by the
20 judgment creditor with the clerk of the court in which the judgment
21 was entered. A copy of such agreement shall be mailed by first
22 class mail to the garnishee, postage prepaid by judgment creditor.

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1 SECTION 3. AMENDATORY 12 O.S. 2021, Section 1173.4, as
2 amended by Section 7, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2025,
3 Section 1173.4), is amended to read as follows:

4 Section 1173.4. A. Any judgment creditor may obtain a
5 continuing lien on earnings. For the purposes of this section,
6 "earnings" means any form of payment to an individual including, but
7 not limited to, salary, wages, commission, or other compensation,
8 but does not include reimbursements for travel expenses for state
9 employees.

10 B. A continuing earnings garnishment shall be commenced by
11 filing the affidavit provided for by Section 1172 of this title.

12 C. The summons required by this section shall be on a form
13 prescribed by the Oklahoma Bar Association. The Administrative
14 Office of the Courts shall provide public access to the summons by
15 providing a link to the form on the Oklahoma State Courts Network
16 (OSCN) website.

17 D. The summons required by this section shall be served upon
18 each of the garnishees, together with a copy of the judgment
19 creditor's affidavit, a garnishee's answer form, notice of
20 garnishment and request for hearing, and claim for exemptions, in
21 the manner provided for in Section 2004 of this title and shall be
22 returned with proof of service within ten (10) days of its date.

23 E. The garnishee's answer shall be on a form prescribed by the
24 Oklahoma Bar Association. The Administrative Office of the Courts

1 shall provide public access to the garnishee's answer by providing a
2 link to the form on the Oklahoma State Courts Network (OSCN)
3 website.

4 F. ~~Within seven (7) days after the end of each pay period, or,~~
5 ~~if the judgment debtor does not have regular pay periods or is not~~
6 ~~paid by the garnishee within thirty (30) days from the date of the~~
7 garnishment summons, and after any payment by the garnishee to the
8 judgment debtor, the garnishee shall file an answer with the court
9 clerk, and pay the amount withheld to the judgment creditor's
10 attorney or to the judgment creditor, if there is no attorney,
11 together with a copy of the answer which shall state:

12 1. Whether the garnishee was the employer of the defendant
13 named in the notice, was indebted to the defendant, or was under any
14 liability to the defendant in any manner or upon any account for
15 earnings, specifying the beginning and ending dates of the pay
16 period, if applicable, existing at the time of the service of the
17 affidavit and summons, the total amounts earned in the entire pay
18 period, and all of the facts and circumstances necessary to a
19 complete understanding of any indebtedness or liability. When the
20 garnishee shall be in doubt respecting the liability or
21 indebtedness, the garnishee may set forth all of the facts and
22 circumstances concerning the same, and submit the question to the
23 court;

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1 2. If the garnishee shall claim any setoff, defense, other
2 indebtedness, liability, lien, or claim to the property, the facts
3 and circumstances in the affidavit;

4 3. At the garnishee's option, any claim of exemption from
5 execution on the part of the defendant or other objection known to
6 the garnishee against the right of the judgment creditor to apply
7 the indebtedness or property disclosed;

8 4. If the garnishee shall disclose any indebtedness or the
9 possession of any property to which the defendant or any other
10 person makes claim, at the garnishee's option, the names and
11 addresses of other claimants and, so far as known, the nature of
12 their claims; and

13 5. That the garnishee has mailed or hand-delivered a copy of
14 the notice of garnishment and exemptions, application for hearing,
15 and the manner and date of compliance.

16 G. The garnishment summons served on the garnishee under this
17 section is a lien on the defendant's property due at the time of
18 service or the effective date of the summons, to the extent the
19 property is not exempt from garnishment. This lien attaches to
20 subsequent nonexempt earnings until one of the following occurs:

21 1. The judgment against the defendant is vacated, modified, or
22 satisfied in full;

23 2. The summons is dismissed; or
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1 3. One hundred eighty (180) days from the effective date of the
2 summons have elapsed; provided, an affidavit and summons shall
3 continue in effect and shall apply to a pay period beginning before
4 the end of the one-hundred-eighty-day period even if the conclusion
5 extends beyond the end of the period.

6 H. 1. A garnishment lien under this section has priority over
7 any subsequent garnishment lien or garnishment summons served on the
8 garnishee during the period it is in effect, regardless of whether
9 the amounts withheld by the garnishee are reduced by the court or by
10 agreement of the parties.

11 2. a. When a garnishment summons is served under this
12 section on a garnishee while a previous garnishment
13 lien is still in effect, the garnishee shall answer
14 the subsequent garnishment lien or garnishment summons
15 by stating that the garnishee is presently holding
16 defendant's property under a previous garnishment lien
17 or garnishment summons, and by giving the date when
18 all previous garnishment liens or garnishment summons
19 are expected to end.

20 b. The subsequent summons is not effective if a summons
21 or lien on the same cause of action is pending at the
22 time of service unless the subsequent summons in the
23 same cause of action is served after the one-hundred-
24 fiftieth day of the previous garnishment lien.

1 I. 1. When a postjudgment wage garnishment under Section 1173
2 of this title or a continuing earnings garnishment under this
3 section is issued against a defendant already subject to an income
4 assignment for child support, the garnishee shall determine the
5 maximum percentage of the defendant's disposable earnings according
6 to the provisions of Section 1171.2 of this title and then deduct
7 from that percentage the actual percentage of the defendant's
8 disposable earnings actually withheld under the income assignment.
9 The resulting percentage shall be the amount to be withheld by the
10 garnishee, not to exceed twenty-five percent (25%).

11 2. For any involuntary legal or equitable procedures through
12 which the earnings of any individual are required to be withheld for
13 the payment of any debt which has statutory priority over this
14 section, the amount withheld pursuant to a garnishment under this
15 section shall be reduced by the actual sums withheld pursuant to
16 such other involuntary process.

17 J. A continuing earnings garnishment may be suspended or
18 modified for a specific period of time within the effective period
19 of the garnishment by the judgment creditor upon agreement with the
20 judgment debtor, which agreement shall be in writing and filed by
21 the judgment creditor with the clerk of the court in which the
22 judgment was entered, and a copy of which shall be mailed by first-
23 class mail, postage prepaid by the judgment creditor to the
24 garnishee.

1 K. Any garnishment issued against a debtor already subject to a
2 continuing or noncontinuing earnings garnishment shall take effect
3 immediately upon the conclusion of the prior garnishment, and shall
4 be effective for its full one-hundred-eighty-day period of time or
5 as otherwise provided in subsection G of this section.

6 SECTION 4. AMENDATORY 12 O.S. 2021, Section 1178, as
7 amended by Section 9, Chapter 184, O.S.L. 2023 (12 O.S. Supp. 2025,
8 Section 1178), is amended to read as follows:

9 Section 1178. A. For the purposes of this section, "earnings"
10 means any form of payment to an individual including, but not
11 limited to, salary, wages, commission, or other compensation, but
12 does not include reimbursement for travel expenses for state
13 employees.

14 B. Where the garnishment summons is on earnings and is issued
15 under Section 1173 of this title, the garnishee shall, within ~~seven~~
16 ~~(7) days after the end of defendant's present pay period or where a~~
17 ~~payment of earnings is due, or~~ thirty (30) days from the service of
18 the summons, ~~whichever is earlier,~~ file an affidavit with the clerk
19 of the court in which the action is pending and deliver or mail a
20 copy thereof to the judgment creditor or the judgment creditor's
21 attorney of record. The affidavit shall state:

22 1. Whether the garnishee was the employer of or indebted or
23 under any liability to the defendant named in the notice in any
24 manner or upon any account for earnings or wages, specifying, as

1 applicable, the beginning and ending dates of the pay period
2 existing at the time of the service of the garnishee summons, the
3 total amounts earned in the pay period, and all of the facts and
4 circumstances necessary to a complete understanding of such
5 indebtedness or liability. When the garnishee shall be in doubt
6 respecting any such liability or indebtedness, the garnishee may set
7 forth all of the facts and circumstances concerning the same, and
8 submit the question to the court;

9 2. If the garnishee shall claim any setoff, defense, other
10 indebtedness, liability, lien, or claim to such property, the facts
11 and circumstances in the affidavit;

12 3. At the garnishee's option, any claim of exemption from
13 execution on the part of the defendant, or other objection known to
14 the garnishee against the right of the judgment creditor to apply
15 the indebtedness or property disclosed;

16 4. If the garnishee shall disclose any indebtedness or the
17 possession of any property to which the defendant, or any other
18 person, makes claim, at the garnishee's option, the names and
19 addresses of such other claimants and, so far as known, the nature
20 of the claims; and

21 5. The garnishee shall state that he or she has mailed or hand-
22 delivered a copy of the notice of garnishment and exemptions,
23 application for hearing, and the manner and date of compliance.

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1 C. The garnishee's answer shall be on a form prescribed by the
2 Oklahoma Bar Association. The Administrative Office of the Courts
3 shall provide public access to the garnishee's answer by providing a
4 link to the form on the Oklahoma State Courts Network (OSCN)
5 website.

6 SECTION 5. AMENDATORY 12 O.S. 2021, Section 1179, is
7 amended to read as follows:

8 Section 1179. If any garnishee, having been duly summoned,
9 shall fail to file and deliver or mail the answer as required by
10 Sections 1172.2, 1178, 1178.1 or 1178.2 of this title, to appear for
11 deposition or to answer interrogatories as provided in Section 1183
12 of this title, the court shall enter an order to the garnishee to
13 file and deliver or mail the answer, to appear for deposition, or to
14 answer the interrogatories within a time prescribed by the court,
15 not to be less than ~~seven (7)~~ thirty (30) days, in the order and
16 also to deliver within the same period of time to the court or the
17 judgment creditor any money or property of defendant that the
18 garnishee is required to pay or deliver under this title. The court
19 shall also direct the manner in which notice of the order shall be
20 given to the garnishee. The order for giving notice shall specify a
21 manner of giving notice which is calculated to be most likely to
22 give actual notice to the garnishee or its managing officers,
23 directors, or agents. The order shall specifically inform the
24 garnishee that the garnishee has failed to respond to the summons

1 and shall specifically advise the garnishee that judgment will be
2 rendered against it in the principal amount of the judgment against
3 the defendant plus costs, which amounts will be specified, upon
4 failure to conform with the requirements of the order. If the
5 garnishee shall fail to file and deliver or mail the answer
6 affidavit as required in the order, appear for deposition, or to
7 answer interrogatories as provided in the order, then the court
8 shall render judgment against the garnishee for the amount of the
9 judgment and costs due the judgment creditor from the defendant in
10 the principal action together with the costs of the garnishment,
11 including a reasonable attorney's fee to the judgment creditor for
12 prosecuting the garnishment. The garnishee may also be subject to
13 punishment for contempt; provided, however, the court shall have
14 power to vacate or modify any order issued pursuant to this section
15 in the manner provided in Sections 1031 or 1031.1 of this title.

16 SECTION 6. This act shall become effective November 1, 2026.

17
18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
19 OVERSIGHT, dated 03/03/2026 - DO PASS, As Coauthored.
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