

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3087

By: Bashore

AS INTRODUCED

An Act relating to garnishment; amending 12 O.S. 2021, Sections 1172.1, 1173, as amended by Section 4, Chapter 184, O.S.L. 2023, 1173.4, as amended by Section 7, Chapter 184, O.S.L. 2023, 1178, as amended by Section 9, Chapter 184, O.S.L. 2023, and 1179 (12 O.S. Supp. 2025, Sections 1173, 1173.4, and 1178), which relate to garnishment procedure; extending garnishee response time to thirty days; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 1172.1, is amended to read as follows:

Section 1172.1. A. A garnishee summons shall not be issued in any action prior to judgment until:

1. Defendant has been served with a notice, to which the affidavit required by Section 1172 of this title is attached, which notifies the defendant that the issuance of a garnishee summons is requested and that the defendant may object to the issuance of the summons by filing a written objection with the court clerk and delivering or mailing a copy to the plaintiff's attorney within ~~five~~

1 ~~(5)~~ thirty (30) days of the service of the notice. The service of
2 the notice on the defendant satisfies the notice requirement of
3 Section 1174 of this title;

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

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

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

21 B. If the court finds that the defendant cannot be given notice
22 as provided by paragraph 1 of subsection A of this section, although
23 a reasonable effort was made to notify the defendant, and at the
24 hearing the plaintiff proves the probable merit of the plaintiff's

1 cause of action and the truth of the matters asserted in the
2 affidavit and the plaintiff has executed an undertaking as provided
3 herein, the court may issue a garnishee summons after which the
4 defendant may move to have the garnishee summons quashed. Notice of
5 a motion to quash, with the date of the hearing, shall be served on
6 the attorney for the plaintiff. The motion shall be heard promptly,
7 and in any case within ~~five (5)~~ thirty (30) days after the date that
8 it is filed. The court must grant the defendant's motion unless, at
9 the hearing on defendant's motion, the plaintiff proves the probable
10 merit of the plaintiff's cause and the truth of the matters asserted
11 in the affidavit. The court clerk may issue an order to pay the
12 money into the court after the hearing, at the direction of the
13 court.

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

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

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

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

3 C. The form for the summons required by this section shall be
4 prescribed by the Oklahoma Bar Association. The Administrative
5 Office of the Courts shall provide public access to the summons by
6 providing a link to the form on the Oklahoma State Courts Network
7 (OSCN) website.

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

14 E. The garnishee's answer shall be on a form prescribed by the
15 Oklahoma Bar Association. The Administrative Office of the Courts
16 shall provide public access to the garnishee's answer by providing a
17 link to the form on the Oklahoma State Courts Network (OSCN)
18 website.

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

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

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

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

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

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

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

10 H. 1. A garnishment lien under this section has priority over
11 any subsequent garnishment lien or garnishment summons served on the
12 garnishee.

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

20 I. 1. When a postjudgment noncontinuing earnings garnishment
21 under this section or a continuing earnings garnishment under
22 Section 1173.4 of this title is issued against a defendant already
23 subject to an income assignment for child support, the garnishee
24 shall determine the maximum percentage of the defendant's disposable

1 earnings according to the provisions of Section 1171.2 of this title
2 and then deduct from that percentage the actual percentage of the
3 defendant's disposable earnings actually withheld under the income
4 assignment. The resulting percentage shall be the amount to be
5 withheld by the garnishee, not to exceed twenty-five percent (25%).

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

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

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

21 Section 1173.4. A. Any judgment creditor may obtain a
22 continuing lien on earnings. For the purposes of this section,
23 "earnings" means any form of payment to an individual including, but
24 not limited to, salary, wages, commission, or other compensation,

1 but does not include reimbursements for travel expenses for state
2 employees.

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

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

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

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

21 F. ~~Within seven (7) days after the end of each pay period, or,~~
22 ~~if the judgment debtor does not have regular pay periods or is not~~
23 ~~paid by the garnishee within~~ thirty (30) days from the date of the
24 garnishment summons, and after any payment by the garnishee to the

1 judgment debtor, the garnishee shall file an answer with the court
2 clerk, and pay the amount withheld to the judgment creditor's
3 attorney or to the judgment creditor, if there is no attorney,
4 together with a copy of the answer which shall state:

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

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

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

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

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

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

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

16 2. The summons is dismissed; or

17 3. One hundred eighty (180) days from the effective date of the
18 summons have elapsed; provided, an affidavit and summons shall
19 continue in effect and shall apply to a pay period beginning before
20 the end of the one-hundred-eighty-day period even if the conclusion
21 extends beyond the end of the period.

22 H. 1. A garnishment lien under this section has priority over
23 any subsequent garnishment lien or garnishment summons served on the
24 garnishee during the period it is in effect, regardless of whether

1 the amounts withheld by the garnishee are reduced by the court or by
2 agreement of the parties.

3 2. a. When a garnishment summons is served under this
4 section on a garnishee while a previous garnishment
5 lien is still in effect, the garnishee shall answer
6 the subsequent garnishment lien or garnishment summons
7 by stating that the garnishee is presently holding
8 defendant's property under a previous garnishment lien
9 or garnishment summons, and by giving the date when
10 all previous garnishment liens or garnishment summons
11 are expected to end.

12 b. The subsequent summons is not effective if a summons
13 or lien on the same cause of action is pending at the
14 time of service unless the subsequent summons in the
15 same cause of action is served after the one-hundred-
16 fiftieth day of the previous garnishment lien.

17 I. 1. When a postjudgment wage garnishment under Section 1173
18 of this title or a continuing earnings garnishment under this
19 section is issued against a defendant already subject to an income
20 assignment for child support, the garnishee shall determine the
21 maximum percentage of the defendant's disposable earnings according
22 to the provisions of Section 1171.2 of this title and then deduct
23 from that percentage the actual percentage of the defendant's
24 disposable earnings actually withheld under the income assignment.

1 The resulting percentage shall be the amount to be withheld by the
2 garnishee, not to exceed twenty-five percent (25%).

3 2. For any involuntary legal or equitable procedures through
4 which the earnings of any individual are required to be withheld for
5 the payment of any debt which has statutory priority over this
6 section, the amount withheld pursuant to a garnishment under this
7 section shall be reduced by the actual sums withheld pursuant to
8 such other involuntary process.

9 J. A continuing earnings garnishment may be suspended or
10 modified for a specific period of time within the effective period
11 of the garnishment by the judgment creditor upon agreement with the
12 judgment debtor, which agreement shall be in writing and filed by
13 the judgment creditor with the clerk of the court in which the
14 judgment was entered, and a copy of which shall be mailed by first-
15 class mail, postage prepaid by the judgment creditor to the
16 garnishee.

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

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

1 Section 1178. A. For the purposes of this section, "earnings"
2 means any form of payment to an individual including, but not
3 limited to, salary, wages, commission, or other compensation, but
4 does not include reimbursement for travel expenses for state
5 employees.

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

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

1 2. If the garnishee shall claim any setoff, defense, other
2 indebtedness, liability, lien, or claim to such 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 such other claimants and, so far as known, the nature
12 of the claims; and

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

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

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

23 Section 1179. If any garnishee, having been duly summoned,
24 shall fail to file and deliver or mail the answer as required by

1 Sections 1172.2, 1178, 1178.1 or 1178.2 of this title, to appear for
2 deposition or to answer interrogatories as provided in Section 1183
3 of this title, the court shall enter an order to the garnishee to
4 file and deliver or mail the answer, to appear for deposition, or to
5 answer the interrogatories within a time prescribed by the court,
6 not to be less than ~~seven (7)~~ thirty (30) days, in the order and
7 also to deliver within the same period of time to the court or the
8 judgment creditor any money or property of defendant that the
9 garnishee is required to pay or deliver under this title. The court
10 shall also direct the manner in which notice of the order shall be
11 given to the garnishee. The order for giving notice shall specify a
12 manner of giving notice which is calculated to be most likely to
13 give actual notice to the garnishee or its managing officers,
14 directors, or agents. The order shall specifically inform the
15 garnishee that the garnishee has failed to respond to the summons
16 and shall specifically advise the garnishee that judgment will be
17 rendered against it in the principal amount of the judgment against
18 the defendant plus costs, which amounts will be specified, upon
19 failure to conform with the requirements of the order. If the
20 garnishee shall fail to file and deliver or mail the answer
21 affidavit as required in the order, appear for deposition, or to
22 answer interrogatories as provided in the order, then the court
23 shall render judgment against the garnishee for the amount of the
24 judgment and costs due the judgment creditor from the defendant in

1 the principal action together with the costs of the garnishment,
2 including a reasonable attorney's fee to the judgment creditor for
3 prosecuting the garnishment. The garnishee may also be subject to
4 punishment for contempt; provided, however, the court shall have
5 power to vacate or modify any order issued pursuant to this section
6 in the manner provided in Sections 1031 or 1031.1 of this title.

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

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