

HOUSE BILL 814

I3

3lr1823

By: **Delegates Norman and Niemann**

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Debt Collection – Attachment Fees**

3 FOR the purpose of prohibiting a certain employer that is a garnishee from charging a
4 judgment debtor any fee for responding to an attachment, withholding
5 attachable wages, or remitting an amount to the judgment creditor or debtor;
6 prohibiting a certain financial institution that is a garnishee from charging a
7 fee greater than a certain amount for responding to an attachment, withholding
8 attachable wages, or remitting an amount to the judgment creditor or debtor;
9 and generally relating to wage and bank account attachments.

10 BY repealing and reenacting, with amendments,
11 Article – Commercial Law
12 Section 15–603
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2012 Supplement)

15 BY adding to
16 Article – Commercial Law
17 Section 15–901 to be under the new subtitle “Subtitle 9. Attachment of Bank
18 Accounts”
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2012 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Commercial Law**

24 15–603.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) While the attachment remains a lien, the employer/garnishee shall
2 withhold all attachable wages payable to the judgment debtor and remit the amount
3 withheld to the judgment creditor or his legal representative within 15 days after the
4 close of the last pay period in each month.

5 (b) If the employer/garnishee is served with more than one attachment
6 against the same judgment debtor, then the attachments shall be satisfied in the order
7 in which they were served, and each prior attachment must be satisfied before any
8 effect can be given to a subsequent attachment.

9 (c) **AN EMPLOYER/GARNISHEE THAT IS SERVED WITH AN ATTACHMENT**
10 **MAY NOT CHARGE THE JUDGMENT DEBTOR ANY FEE FOR RESPONDING TO THE**
11 **ATTACHMENT, WITHHOLDING ATTACHABLE WAGES, OR REMITTING AN AMOUNT**
12 **TO THE JUDGMENT CREDITOR OR DEBTOR.**

13 **SUBTITLE 9. ATTACHMENT OF BANK ACCOUNTS.**

14 **15-901.**

15 (A) **IN THIS SECTION, "FINANCIAL INSTITUTION" HAS THE MEANING**
16 **STATED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.**

17 (B) **FOR EACH ATTACHMENT SERVED ON A FINANCIAL INSTITUTION, A**
18 **FINANCIAL INSTITUTION/GARNISHEE MAY NOT CHARGE THE JUDGMENT**
19 **DEBTOR A FEE GREATER THAN \$50 FOR RESPONDING TO THE ATTACHMENT,**
20 **WITHHOLDING PROPERTY, OR REMITTING PROPERTY TO THE JUDGMENT**
21 **CREDITOR OR DEBTOR.**

22 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
23 **October 1, 2013.**