

HB1098/763220/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1098
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Stewart**” and substitute “**Delegates Stewart and Tomlinson**”; in line 2, strike “**Bankruptcy Proceedings**” and substitute “**Courts**”; in the same line, after “**Execution**” insert “**on Judgments**”; in line 4, strike “providing that the exemption for” and substitute “**exempting certain**”; in line 5, after the first “property” insert “**from execution on a judgment in a certain amount and subject to certain adjustments**”; strike beginning with the first “in” in line 5 down through “proceeding” in line 7; in lines 7 and 8, strike “debtor exemptions and bankruptcy proceedings” and substitute “**residential real property and exemptions from execution of a judgment**”; in line 16, strike “(f)” and substitute “**(b)**”; and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On page 2, after line 24, insert:

“(b) **(1)** The following items are exempt from execution on a judgment:

[(1)] (I) Wearing apparel, books, tools, instruments, or appliances, in an amount not to exceed \$5,000 in value necessary for the practice of any trade or profession except those kept for sale, lease, or barter.

[(2)] (II) Except as provided in subsection (i) of this section, money payable in the event of sickness, accident, injury, or death of any person, including compensation for loss of future earnings. This exemption includes but is not limited to money payable on account of judgments, arbitrations, compromises, insurance, benefits, compensation, and relief. Disability income benefits are not exempt if the judgment is for necessities contracted for after the disability is incurred.

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[(3)] (III) Professionally prescribed health aids for the debtor or any dependent of the debtor.

[(4)] (IV) The debtor's interest, not to exceed \$1,000 in value, in household furnishings, household goods, wearing apparel, appliances, books, animals kept as pets, and other items that are held primarily for the personal, family, or household use of the debtor or any dependent of the debtor.

[(5)] (V) Subject to subsection (c)(3) of this section, up to \$500 in a deposit account or other account of the debtor held by a depository institution, without election of the debtor.

[(6)] (VI) Cash or property of any kind equivalent in value to \$6,000 is exempt, if within 30 days from the date of the attachment or the levy by the sheriff, the debtor elects to exempt cash or selected items of property in an amount not to exceed a cumulative value of \$6,000, except that the cumulative value of cash and property exempted under this item and item [(5)] (V) of this [subsection] PARAGRAPH may not exceed \$6,000.

[(7)] (VII) Money payable or paid in accordance with an agreement or court order for child support.

[(8)] (VIII) Money payable or paid in accordance with an agreement or court order for alimony to the same extent that wages are exempt from attachment under § 15-601.1(b)(1)(i) of the Commercial Law Article.

[(9)] (IX) The debtor's beneficial interest in any trust property that is immune from the claims of the debtor's creditors under § 14.5-511 of the Estates and Trusts Article.

[(10)] (X) With respect to claims by a separate creditor of a husband or wife, trust property that is immune from the claims of the separate creditors of the husband or wife under § 14.5–511 of the Estates and Trusts Article.

(XI) OWNER–OCCUPIED RESIDENTIAL REAL PROPERTY, INCLUDING A CONDOMINIUM UNIT, A COOPERATIVE HOUSING CORPORATION THAT OWNS PROPERTY THAT THE DEBTOR OCCUPIES AS A RESIDENCE, A MANUFACTURED HOME, OR RESIDENTIAL REAL PROPERTY OF A SETTLOR THAT IS HELD IN A REVOCABLE TRUST, IN AN AMOUNT NOT TO EXCEED \$75,000 FOR AN INDIVIDUAL.

(2) (I) BEGINNING OCTOBER 1, 2027, AND EVERY 3 YEARS THEREAFTER, THE EXEMPTION AMOUNT SPECIFIED UNDER PARAGRAPH (1)(XI) OF THIS SUBSECTION SHALL BE:

1. ADJUSTED BY ANY CHANGE IN THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS – UNITED STATES CITY AVERAGE – ALL ITEMS), AS PUBLISHED BY THE U.S. BUREAU OF LABOR STATISTICS; AND

2. ROUNDED TO THE NEAREST \$25.

(II) ADJUSTMENTS MADE UNDER THIS PARAGRAPH MAY NOT APPLY TO PROCEEDINGS FILED BEFORE OCTOBER 1, 2027.”.

On pages 2 through 4, strike in their entirety the lines beginning with line 25 on page 2 through line 11 on page 4, inclusive.

On page 4, in line 14, strike “bankruptcy”.