

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1264

5 By: Representatives Broadaway, Ferguson, Jett, Julian, Ratliff, Vines, D. Whitaker, Wren
6

For An Act To Be Entitled

8 AN ACT AMENDING THE NUMBER OF DAYS IN WHICH A PERSON
9 MUST FILE AN ANSWER IN A GARNISHMENT PROCEEDING; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 AMENDING THE NUMBER OF DAYS IN WHICH A
13 PERSON MUST FILE AN ANSWER IN A
14 GARNISHMENT PROCEEDING.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-110-401(a)(2), concerning the notice
22 used for garnishment proceedings, is amended to read as follows:

23 (2) Further, the writ of garnishment served on the garnishee
24 shall contain one (1) of the following notices:

25 (A) "NOTICE TO NON-EMPLOYER GARNISHEE
26 FAILURE TO ANSWER THIS WRIT WITHIN ~~20~~ 30 DAYS OR
27 FAILURE OR REFUSAL TO ANSWER THE INTERROGATORIES ATTACHED HERETO SHALL RESULT
28 IN THE COURT ENTERING A JUDGMENT AGAINST YOU AND YOU BECOMING PERSONALLY
29 LIABLE FOR THE FULL AMOUNT SPECIFIED IN THIS WRIT TOGETHER WITH COSTS OF THIS
30 ACTION AS PROVIDED BY ARKANSAS CODE ANNOTATED § 16-110-407."; or,

31 (B) "NOTICE TO EMPLOYER GARNISHEE
32 FAILURE TO ANSWER THIS WRIT WITHIN ~~20~~ 30 DAYS OR
33 FAILURE OR REFUSAL TO ANSWER THE INTERROGATORIES ATTACHED HERETO SHALL RESULT
34 IN THE COURT ENTERING A JUDGMENT AGAINST YOU AND YOU BECOMING PERSONALLY
35 LIABLE FOR THE AMOUNT OF THE NON-EXEMPT WAGES OWED THE DEBTOR-EMPLOYEE ON THE
36 DATE YOU WERE SERVED THIS WRIT AS PROVIDED BY ARKANSAS CODE ANNOTATED § 16-



1 110-407.”

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 3 SECTION 2. Arkansas Code § 16-110-407(a), concerning the time period
 4 in which to answer in a garnishment proceeding, is amended to read as
 5 follows:

6 (a) If any garnishee, after having been duly served with a writ of
 7 garnishment, shall neglect or refuse to answer the interrogatories exhibited
 8 to him or her, on or before ~~twenty (20)~~ thirty (30) days after service of the
 9 writ, the court, upon motion of the plaintiff, may issue a notice to the
 10 garnishee, requiring him or her to appear personally at a hearing not later
 11 than ten (10) days after receipt of said notice or at such other later date
 12 as the court may fix and answer the allegations and interrogatories of the
 13 plaintiff. Service of the notice may be made either by the clerk, or by the
 14 plaintiff, by any method prescribed by Arkansas Rules of Civil Procedure for
 15 service of notice.

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