

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1264

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

For An Act To Be Entitled

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

Subtitle

AMENDING THE NUMBER OF DAYS IN WHICH A
PERSON MUST FILE AN ANSWER IN A
GARNISHMENT PROCEEDING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-110-401(a)(2), concerning the notice used for garnishment proceedings, is amended to read as follows:

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

(A) "NOTICE TO NON-EMPLOYER GARNISHEE

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

(B) "NOTICE TO EMPLOYER GARNISHEE

FAILURE TO ANSWER THIS WRIT WITHIN ~~20~~ 30 DAYS OR FAILURE OR REFUSAL TO ANSWER THE INTERROGATORIES ATTACHED HERETO SHALL RESULT IN THE COURT ENTERING A JUDGMENT AGAINST YOU AND YOU BECOMING PERSONALLY LIABLE FOR THE AMOUNT OF THE NON-EXEMPT WAGES OWED THE DEBTOR-EMPLOYEE ON THE DATE YOU WERE SERVED THIS WRIT AS PROVIDED BY ARKANSAS CODE ANNOTATED § 16-



110-407.”

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

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