

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1870, Page 6, Section 525.235, Lines
2 21-22 , by deleting the words "one or more of such accounts" and inserting in lieu thereof the
3 following phrase: "accounts belonging to a judgment debtor"; and
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5 Further amend said bill, page, and section, Lines 28-29, by deleting said lines and inserting in
6 lieu thereof the following:
7

8 "garnishment. The garnishee shall provide a copy of the order of garnishment of each
9 account holder within two business days to the address provided to the garnishee by each
10 account holder by mail or electronically if authorized by the account holder. Each account holder
11 may file an objection or request of exemption of all or a portion of the account with the court
12 that issued the order of garnishment within thirty days of the date the garnishment attaches and
13 serves their objection or request for exemption on the garnishor and the garnishee. If the
14 objection or request of exemption is not resolved within thirty days of the timely filing of the
15 objection or request of exemption, the garnishee may pay the garnished funds to the circuit court
16 to be hold for pending resolution of the objection or request."; and
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18 Further amend said bill and section, Page 7, Line 44, by deleting the phrase ", or respond to,";
19 and
20

21 Further amend said bill, section, and page, Lines 60-63, by deleting said lines and inserting in
22 lieu thereof the following:
23

24 "11. (1) A garnishee acting in good faith compliance with a facially valid order of
25 garnishment under this section shall not be liable to any debtor, creditor, or other person for
26 withholding, restraining or releasing funds in reasonable reliance upon the terms of the writ of
27 order.

28 (2) A garnishee shall not be required to:

29 (a) Adjudicate competing claims of ownership to property or funds;

30 (b) Determine the legal sufficiency or validity of the underlying judgment; or

31 (c) Investigate facts outside the information contained in the writ or the garnishee's business
32 records.

33 (3) A garnishee shall be liable for damages arising from a garnishment only if:

34 (a) The garnishee fails to follow the clear and express terms of the writ of order;

35 (b) Such failure constitutes gross negligence or willful misconduct; and

36 (c) Actual damages are proven.

Action Taken _____ Date _____

1 (4) A garnishee shall not be liable if the garnishee corrects an error within five business days
2 after receiving written notice identifying the alleged error and promptly releases any improperly
3 restrained funds.

4 (5) Temporary restraint of funds pending review of a claimed exemption shall not create liability
5 if the garnishee, garnishor, and judgment debtor or other persons act within time frames required
6 by law.

7 12. The provisions of subsections 1 to 11 of this section shall be effective January 1, 2028.

8 13. The provisions of this section shall be implemented and administered in accordance with
9 rules of the Missouri supreme court."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.