

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for House Bill No. 1870, Page 6, Section 525.235, Lines 21-22, by deleting the words "one or more of such accounts" and inserting in lieu thereof the following phrase: "accounts belonging to a judgment debtor"; and

Further amend said bill, page, and section, Lines 28-29, by deleting said lines and inserting in lieu thereof the following:

"garnishment. The garnishee shall provide a copy of the order of garnishment to each account holder within two business days to the address provided to the garnishee by each account holder by mail or electronically if authorized by the account holder. Each account holder may file an objection or request of exemption of all or a portion of the account with the court that issued the order of garnishment within thirty days of the date the garnishment attaches and serve their objection or request for exemption on the garnishor and the garnishee. If the objection or request of exemption is not resolved within thirty days of the timely filing of the objection or request of exemption, the garnishee may pay the garnished funds to the circuit court to be held for pending resolution of the objection or request."; and

Further amend said bill and section, Page 7, Line 44, by deleting the phrase ", or respond to,"; and

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

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

(2) A garnishee shall not be required to:

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

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

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

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

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

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

(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.