



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4485/1
PJH:wlj

2015 ASSEMBLY BILL 872

February 5, 2016 - Introduced by Representative NYGREN. Referred to Joint Committee on Finance.

1 **AN ACT** *to renumber and amend* 812.33; *to amend* 812.35 (4) (a) and 812.40;
2 and *to create* 812.33 (2) of the statutes; **relating to:** garnishment fees.

Analysis by the Legislative Reference Bureau

This bill clarifies the way certain wage garnishment fees are collected. The state budget act, 2015 Wisconsin Act 55, created a \$3 fee, to be paid by a creditor to the garnishee for each garnishment payment delivered to the creditor after the first payment. The act added the \$3 fee to the initial \$15 fee paid by the creditor upon commencement of a garnishment action.

This bill clarifies that the additional \$3 fee is deducted from the moneys delivered to the creditor and is not paid at the commencement of the garnishment action by the creditor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 812.33 of the statutes, as affected by 2015 Wisconsin Act 55, is
4 renumbered 812.33 (1) and amended to read:

5 812.33 (1) The creditor shall pay a \$15 fee to the garnishee for each earnings
6 garnishment or each stipulated extension of that earnings garnishment and a \$3 fee

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1 ~~to the garnishee for each payment delivered to the creditor after the first payment.~~
2 ~~These fees.~~ This fee shall be included as a cost in the creditor's claim in the earnings
3 garnishment.

4 **SECTION 2.** 812.33 (2) of the statutes is created to read:

5 812.33 (2) In addition to the \$15 garnishee fee under sub. (1), the garnishee
6 shall receive a \$3 fee for each payment delivered to the creditor under s. 812.39 after
7 the first payment. That additional fee shall be deducted from the moneys delivered
8 to the creditor. This subsection does not apply to a garnishment under s. 812.42.

9 **SECTION 3.** 812.35 (4) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
10 is amended to read:

11 812.35 (4) (a) The creditor shall tender the garnishee fees fee under s. 812.33
12 (1) to the garnishee at the time that the earnings garnishment form is served.

13 **SECTION 4.** 812.40 of the statutes, as affected by 2015 Wisconsin Act 55, is
14 amended to read:

15 **812.40 Stipulated extension.** At any time while an earnings garnishment
16 is in effect, the debtor and creditor may stipulate in writing to an extension of the
17 earnings garnishment for additional pay periods. The extension may commence on
18 the first day after the earnings garnishment ends and shall end within 13 weeks
19 after the last day of the last pay period affected by the earnings garnishment. The
20 garnishee shall be bound by the extension if a copy of the stipulation is delivered or
21 mailed to the garnishee, together with the additional garnishee fees fee under s.
22 812.33 (1), before the last day of the last pay period affected by the earnings
23 garnishment or any prior stipulated extension of the earnings garnishment. A
24 stipulated extension is void and the garnishee fees fee shall be refunded if, prior to
25 the last day of the last pay period affected by the earnings garnishment, the

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1 garnishee is served under s. 812.35 (3) by a creditor seeking to satisfy a different
2 judgment against the debtor.

3 (END)