

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0192.01 Jerry Barry x4341

SENATE BILL 17-131

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SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE "UNIFORM WAGE GARNISHMENT ACT".

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Colorado Commission on Uniform State Laws.** The bill adopts the "Uniform Wage Garnishment Act" (uniform act) and amends existing statutory provisions relating to wage garnishments covered by the uniform act.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*



1 PAYMENTS AND IS NOT TREATED BY THE EMPLOYER AS AN EMPLOYEE FOR  
2 FEDERAL EMPLOYMENT TAX PURPOSES.

3 (7) "EMPLOYER" MEANS A PERSON THAT OWES OR WILL OWE  
4 EARNINGS TO AN EMPLOYEE.

5 (8) "GARNISHEE" MEANS:

6 (a) A PERSON SERVED WITH A WRIT OF CONTINUING GARNISHMENT  
7 UNDER SECTION 13-54.7-105 (2)(b); OR

8 (b) A PERSON WHOSE REGISTERED AGENT IS SERVED WITH A WRIT  
9 OF CONTINUING GARNISHMENT UNDER SECTION 13-54.7-105 (2)(a).

10 (9) "GARNISHMENT" MEANS AN ORDERED DEDUCTION FOR  
11 PAYMENT TO A CREDITOR UNDER A GARNISHMENT ACTION.

12 (10) "GARNISHMENT ACTION" MEANS A COURT PROCEEDING IN  
13 WHICH A GARNISHMENT IS SOUGHT.

14 (11) "ORDERED DEDUCTION" MEANS A DEDUCTION BY AN  
15 EMPLOYER FROM THE EARNINGS OF AN EMPLOYEE FOR PAYMENT TO  
16 ANOTHER PERSON UNDER A GARNISHMENT ACTION, SUPPORT ORDER,  
17 ORDER TO RECOVER FEDERAL, STATE, CITY, OR LOCAL TAXES, OR  
18 ADMINISTRATIVE ORDER ISSUED BY A FEDERAL OR STATE AGENCY. THE  
19 TERM DOES NOT INCLUDE A DEDUCTION WITH THE CONSENT OF THE  
20 EMPLOYEE OR FOR CURRENT TAX OBLIGATIONS.

21 (12) "PAYDAY" MEANS A REGULARLY SCHEDULED DAY ON WHICH  
22 AN EMPLOYER PAYS EARNINGS TO AN EMPLOYEE FOR A PAY PERIOD OR, IF  
23 THE DAY OF PAYMENT IS UNCERTAIN OR LESS OFTEN THAN ONCE A MONTH,  
24 THE DAY ON WHICH THE EMPLOYER PAYS EARNINGS TO THE EMPLOYEE.

25 (13) "PERIODIC PAYMENTS" MEANS RECURRING PAYMENTS ON SET  
26 INTERVALS.

27 (14) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR

1 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR  
2 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER  
3 LEGAL ENTITY.

4 (15) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
5 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
6 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

7 (16) "SEND" MEANS TO:

8 (a) DEPOSIT A RECORD IN THE UNITED STATES MAIL TO THE  
9 LAST-KNOWN ADDRESS OF THE INTENDED RECIPIENT WITH FIRST-CLASS  
10 POSTAGE PROVIDED;

11 (b) DELIVER A RECORD BY ANY OTHER USUAL MEANS OF  
12 COMMUNICATION TO THE LAST-KNOWN ADDRESS OF THE INTENDED  
13 RECIPIENT WITH THE COST OF TRANSMISSION, IF ANY, PROVIDED; OR

14 (c) CAUSE A RECORD TO BE RECEIVED IN ANY OTHER WAY WITHIN  
15 THE TIME IT WOULD HAVE ARRIVED IF SENT UNDER SUBSECTION (16)(a) OF  
16 THIS SECTION.

17 (17) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR  
18 ADOPT A RECORD, TO:

19 (a) EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

20 (b) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN  
21 ELECTRONIC SYMBOL, SOUND, OR PROCESS.

22 (18) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
23 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
24 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
25 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY  
26 RECOGNIZED INDIAN TRIBE.

27 (19) "SUPPORT ORDER" MEANS A JUDGMENT, DECREE, ORDER,

1 DECISION, OR DIRECTIVE, WHETHER TEMPORARY, FINAL, OR SUBJECT TO  
2 MODIFICATION, ISSUED IN A STATE OR FOREIGN COUNTRY FOR THE BENEFIT  
3 OF A CHILD, SPOUSE, OR FORMER SPOUSE, WHICH PROVIDES FOR MONETARY  
4 SUPPORT, HEALTH CARE, ARREARAGES, RETROACTIVE SUPPORT, OR  
5 REIMBURSEMENT FOR FINANCIAL ASSISTANCE PROVIDED TO AN  
6 INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT. THE TERM INCLUDES  
7 RELATED COSTS AND FEES, INTEREST, INCOME WITHHOLDING, AUTOMATIC  
8 ADJUSTMENT, REASONABLE ATTORNEY'S FEES, AND OTHER RELIEF.

9 **13-54.7-103. Scope.** (1) THIS ARTICLE 54.7 APPLIES ONLY TO A  
10 GARNISHMENT ACTION.

11 (2) THIS ARTICLE 54.7 DOES NOT APPLY TO ANY OTHER REMEDY  
12 AVAILABLE TO A CREDITOR UNDER LAW OF THIS STATE OTHER THAN THIS  
13 ARTICLE 54.7.

14 (3) EXCEPT AS OTHERWISE PROVIDED IN SECTION 13-54.7-114,  
15 THIS ARTICLE 54.7 DOES NOT APPLY TO AN ORDERED DEDUCTION THAT IS  
16 NOT A GARNISHMENT, INCLUDING AN ORDERED DEDUCTION:

- 17 (a) UNDER AN ORDER OF A BANKRUPTCY COURT;
- 18 (b) FOR A DEBT DUE FOR A FEDERAL, STATE, CITY, OR LOCAL TAX;
- 19 (c) UNDER A SUPPORT ORDER; OR
- 20 (d) FOR FRAUDULENTLY OBTAINED PUBLIC ASSISTANCE OR  
21 FRAUDULENTLY OBTAINED OVERPAYMENTS COLLECTED PURSUANT TO  
22 SECTION 26-2-128 (1)(a).

23 **13-54.7-104. Choice of law.** (1) EXCEPT AS OTHERWISE  
24 PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE COURT SHALL DISMISS  
25 OR STAY A GARNISHMENT ACTION IF THE DEBTOR'S PRINCIPAL PLACE OF  
26 WORK IS NOT IN THIS STATE WHEN THE ACTION IS COMMENCED.

27 (2) THE COURT IS NOT REQUIRED TO DISMISS OR STAY A

1 GARNISHMENT ACTION UNDER SUBSECTION (1) OF THIS SECTION IF THE  
2 EMPLOYER IS SUBJECT TO PERSONAL JURISDICTION IN THIS STATE BUT NOT  
3 IN THE STATE OF THE DEBTOR'S PRINCIPAL PLACE OF WORK.

4 (3) IN A GARNISHMENT ACTION SUBJECT TO SUBSECTION (2) OF  
5 THIS SECTION, THIS ARTICLE 54.7 APPLIES; EXCEPT THAT THE DEBTOR IS  
6 ENTITLED TO THE EXEMPTIONS FROM AND LIMITS ON GARNISHMENT  
7 PROVIDED BY THE LAW OF THE JURISDICTION OF THE DEBTOR'S PRINCIPAL  
8 PLACE OF WORK.

9 **13-54.7-105. Commencement of garnishment action.** (1) A  
10 CREDITOR MAY COMMENCE A GARNISHMENT ACTION BY FILING A WRIT OF  
11 GARNISHMENT WITH THE COURT.

12 (2) THE WRIT OF GARNISHMENT UNDER SUBSECTION (1) OF THIS  
13 SECTION MUST BE SERVED:

14 (a) ON THE REGISTERED AGENT IF THE EMPLOYER AGAINST WHICH  
15 THE GARNISHMENT IS SOUGHT HAS A REGISTERED AGENT THAT CAN BE  
16 SERVED WITH REASONABLE DILIGENCE UNDER RULE 4 OF THE COLORADO  
17 RULES OF CIVIL PROCEDURE; OR

18 (b) IF SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY, ON  
19 THE EMPLOYER.

20 (3) THE WRIT OF GARNISHMENT UNDER SUBSECTION (1) OF THIS  
21 SECTION MUST INCLUDE:

22 (a) THE NAME OF THE DEBTOR;

23 (b) THE LAST-KNOWN PHYSICAL AND MAILING ADDRESSES OF THE  
24 DEBTOR, OR A STATEMENT THAT THE INFORMATION IS NOT KNOWN;

25 (c) THE AMOUNT THE CREDITOR CLAIMS IS OWED BY THE DEBTOR  
26 AND INFORMATION SUFFICIENT TO IDENTIFY THE JUDGMENT ON WHICH THE  
27 GARNISHMENT ACTION IS BASED;

1 (d) A COMPLETED NOTICE THAT SATISFIES SECTION 13-54.7-106;

2 (e) A NOTICE OF COLORADO RULES ABOUT GARNISHMENT THAT  
3 SATISFIES SECTION 13-54.7-111;

4 (f) THE NAME OF AND CONTACT INFORMATION FOR THE CREDITOR'S  
5 AGENT TO WHICH THE GARNISHEE IS REQUIRED BY SECTIONS 13-54.7-106  
6 (1)(a) AND (1)(b)(I) AND 13-54.7-109 (3) TO SEND INFORMATION; AND

7 (g) THE MAILING ADDRESS TO WHICH THE GARNISHEE MUST SEND  
8 THE AMOUNT WITHHELD AND, AT THE CREDITOR'S OPTION, A STATEMENT  
9 OF OTHER REASONABLE MEANS OF SENDING THE AMOUNT TO THE  
10 CREDITOR.

11 (4) THE WRIT OF GARNISHMENT SERVED UNDER SUBSECTION (2) OF  
12 THIS SECTION MUST BE ACCOMPANIED BY:

13 (a) A SEPARATE DOCUMENT PROVIDED ONLY TO THE GARNISHEE  
14 AND NOT FILED WITH THE COURT THAT:

15 (I) PROVIDES THE DEBTOR'S DATE OF BIRTH AND FULL SOCIAL  
16 SECURITY NUMBER OR STATES THAT THE DATE OR NUMBER IS NOT KNOWN;  
17 AND

18 (II) IF THE DEBTOR'S FULL SOCIAL SECURITY NUMBER IS NOT  
19 KNOWN, PROVIDES OTHER IDENTIFYING INFORMATION KNOWN TO THE  
20 CREDITOR OR STATES THAT NO OTHER IDENTIFYING INFORMATION IS  
21 KNOWN; AND

22 (b) AN ADMINISTRATIVE FEE OF FIFTEEN DOLLARS PAYABLE TO THE  
23 GARNISHEE.

24 **13-54.7-106. Garnishee response to garnishment action.**

25 (1) NOT LATER THAN TWENTY-ONE DAYS AFTER BEING SERVED WITH A  
26 WRIT OF GARNISHMENT IN A GARNISHMENT ACTION:

27 (a) IF ONE OF THE FOLLOWING GROUNDS APPLIES, THE GARNISHEE

1 SHALL SEND TO THE AGENT NAMED UNDER SECTION 13-54.7-105 (3)(f) A  
2 NOTICE STATING THE APPLICABLE GROUND:

3 (I) THE DEBTOR IS NOT AN EMPLOYEE OF THE GARNISHEE;

4 (II) THE DEBTOR'S PRINCIPAL PLACE OF WORK IS NOT IN THIS STATE  
5 AND THE EMPLOYER IS SUBJECT TO JURISDICTION IN THE STATE OF THE  
6 DEBTOR'S PRINCIPAL PLACE OF WORK;

7 (III) THE GARNISHMENT DOES NOT CONTAIN ALL INFORMATION  
8 REQUIRED BY SECTION 13-54.7-105 (3);

9 (IV) THE WRIT OF GARNISHMENT IS NOT ACCOMPANIED BY THE  
10 SEPARATE DOCUMENT REQUIRED BY SECTION 13-54.7-105 (4)(a) OR THE  
11 DOCUMENT DOES NOT CONTAIN ALL THE REQUIRED INFORMATION; OR

12 (V) THE WRIT OF GARNISHMENT IS NOT ACCOMPANIED BY THE FEE  
13 REQUIRED BY SECTION 13-54.7-105 (4)(b); OR

14 (b) IF SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY, THE  
15 GARNISHEE SHALL:

16 (I) SEND TO THE AGENT NAMED UNDER SECTION 13-54.7-105 (3)(f)  
17 A NOTICE THAT INCLUDES:

18 (A) A STATEMENT THAT THE NAMED DEBTOR IS AN EMPLOYEE OF  
19 THE GARNISHEE;

20 (B) THE PAY FREQUENCY OF THE EMPLOYEE AND THE DATE OF THE  
21 NEXT PAYDAY;

22 (C) THE NAME OF AND CONTACT INFORMATION FOR THE  
23 GARNISHEE'S AGENT TO WHICH THE CREDITOR MUST SEND INFORMATION  
24 IF REQUIRED BY SECTION 13-54.7-108 (4) OR (6) OR SECTION 13-54.7-115  
25 (1)(b); AND

26 (D) IF THE EMPLOYEE'S EARNINGS ARE SUBJECT TO OTHER  
27 ORDERED DEDUCTIONS, THE NUMBER OF OTHER DEDUCTIONS AND THE

1 PRIORITY OF EACH DEDUCTION, INCLUDING THE PRIORITY OF THE  
2 GARNISHMENT SOUGHT BY THE WRIT OF GARNISHMENT; AND

3 (II) SEND TO THE EMPLOYEE A COPY OF THE NOTICES PROVIDED TO  
4 THE GARNISHEE UNDER SECTION 13-54.7-105 (3)(d) AND (3)(e).

5 **13-54.7-107. Beginning of garnishment.** IF SECTION 13-54.7-106  
6 (1)(b)(I) APPLIES, THE EMPLOYER SHALL BEGIN GARNISHMENT ON THE  
7 FIRST PAYDAY THAT OCCURS AT LEAST THIRTY DAYS AFTER THE  
8 EMPLOYER SENDS THE EMPLOYEE THE NOTICES UNDER SECTION  
9 13-54.7-106 (1)(b)(II).

10 **13-54.7-108. Pendency of garnishment.** (1) NOT LATER THAN  
11 FIVE BUSINESS DAYS AFTER WITHHOLDING AN AMOUNT FROM THE  
12 EARNINGS OF AN EMPLOYEE UNDER A GARNISHMENT ACTION, THE  
13 EMPLOYER SHALL SEND THE AMOUNT TO THE CREDITOR AT THE MAILING  
14 ADDRESS SPECIFIED UNDER SECTION 13-54.7-105 (3)(g) OR, AT THE  
15 EMPLOYER'S OPTION, BY ANOTHER MEANS SPECIFIED BY THE CREDITOR  
16 UNDER SECTION 13-54.7-105 (3)(g).

17 (2) IF AN EMPLOYER WITHHOLDS EARNINGS FROM MORE THAN ONE  
18 EMPLOYEE FOR THE SAME CREDITOR AND SPECIFIES THE AMOUNT  
19 ATTRIBUTABLE TO EACH EMPLOYEE, THE EMPLOYER MAY COMBINE THE  
20 AMOUNTS IN ONE PAYMENT TO THE CREDITOR.

21 (3) AN EMPLOYER SHALL NOTIFY AN EMPLOYEE OF ANY AMOUNT  
22 WITHHELD AS A GARNISHMENT IN THE SAME MANNER THAT THE EMPLOYER  
23 NOTIFIES THE EMPLOYEE OF OTHER WITHHOLDINGS FROM EARNINGS.

24 (4) BEFORE TERMINATION UNDER SECTION 13-54.7-109 (2) OF A  
25 GARNISHMENT ACTION, A CREDITOR MAY SEND THE EMPLOYER A NOTICE  
26 REQUIRING THE EMPLOYER TO CHANGE ITS RECORDS TO INDICATE AN  
27 INCREASE OR DECREASE IN THE AMOUNT OWED. THE CREDITOR SHALL

1 SEND THE NOTICE TO THE AGENT NAMED UNDER SECTION 13-54.7-106  
2 (1)(b)(I)(C).

3 (5) THE EMPLOYER THAT RECEIVES A NOTICE UNDER SUBSECTION  
4 (4) OF THIS SECTION SHALL SEND THE EMPLOYEE A COPY OF THE NOTICE OR  
5 A COMPLETED CALCULATION WORKSHEET UNDER SECTION 13-54.7-112.

6 (6) FOR EACH PAYDAY ON WHICH A GARNISHMENT OCCURS, THE  
7 EMPLOYER SHALL MAINTAIN A RECORD SUFFICIENT TO PREPARE FOR EACH  
8 CREDITOR A CALCULATION WORKSHEET UNDER SECTION 13-54.7-112. AT  
9 ANY TIME, THE EMPLOYEE OR CREDITOR MAY REQUEST IN A RECORD A  
10 COMPLETED CALCULATION WORKSHEET. THE CREDITOR SHALL SEND THE  
11 REQUEST TO THE AGENT NAMED UNDER SECTION 13-54.7-106 (1)(b)(I)(C).  
12 NOT LATER THAN FIVE BUSINESS DAYS AFTER RECEIPT OF A REQUEST, THE  
13 EMPLOYER SHALL SEND WITHOUT CHARGE A CALCULATION WORKSHEET  
14 FOR THE MOST RECENT PAYDAY. THE EMPLOYER IS NOT REQUIRED TO  
15 PROVIDE:

16 (a) THE EMPLOYEE MORE THAN ONE CALCULATION WORKSHEET  
17 FOR EACH CREDITOR FOR ANY PAYDAY; OR

18 (b) THE CREDITOR MORE THAN FOUR CALCULATION WORKSHEETS  
19 FOR EACH EMPLOYEE DURING A CALENDAR YEAR.

20 **13-54.7-109. Termination of garnishment action.** (1) NOT  
21 LATER THAN TWENTY-ONE DAYS AFTER RECEIVING NOTICE UNDER SECTION  
22 13-54.7-106 (1)(a), THE CREDITOR SHALL SEEK DISMISSAL OF THE  
23 GARNISHMENT ACTION OR A PROMPT HEARING UNDER SECTION  
24 13-54.7-118 TO DETERMINE WHETHER THE GARNISHEE IS REQUIRED TO  
25 PROCEED UNDER SECTION 13-54.7-106 (1)(b).

26 (2) A GARNISHMENT BEGUN UNDER SECTION 13-54.7-107  
27 TERMINATES WHEN:

1 (a) THE GARNISHEE'S RECORDS INDICATE THAT THE AMOUNT OWED  
2 BY THE EMPLOYEE HAS BEEN PAID IN FULL; OR

3 (b) THE DEBTOR IS NO LONGER AN EMPLOYEE OF THE GARNISHEE.

4 (3) NOT LATER THAN TWENTY-ONE DAYS AFTER THE FIRST DAY ON  
5 WHICH A DEBTOR IS NO LONGER AN EMPLOYEE OF THE GARNISHEE, THE  
6 GARNISHEE SHALL SEND THE AGENT NAMED UNDER SECTION 13-54.7-105  
7 (3)(f) NOTICE OF THE CESSATION OF EMPLOYMENT.

8 (4) A CREDITOR SHALL SEEK DISMISSAL OF A GARNISHMENT  
9 ACTION NOT LATER THAN TWENTY-ONE DAYS AFTER THE EARLIER OF THE  
10 TIME:

11 (a) THE AMOUNT OWED BY THE DEBTOR IS PAID IN FULL; OR

12 (b) THE CREDITOR RECEIVES THE NOTICE REQUIRED BY  
13 SUBSECTION (3) OF THIS SECTION.

14 **13-54.7-110. Notice to employee of garnishment - form -**  
15 **definition.** (1) IN THIS SECTION, "ORIGINAL CREDITOR" MEANS A PERSON  
16 TO WHICH A DEBTOR ORIGINALLY OWED THE OBLIGATION FOR WHICH A  
17 GARNISHMENT IS SOUGHT.

18 (2) THE NOTICE REQUIRED BY SECTION 13-54.7-105 (3)(d) MUST  
19 BE IN SUBSTANTIALLY THE FOLLOWING FORM:

20 **Notice of Garnishment**  
21 **Money Will Be Taken from Your Pay If You Fail to Act**

22 \_\_\_\_\_  
23 You are getting this notice because (name of  
24 creditor) says you owe them money

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**1. Why Am I  
Getting This  
Notice?**

! (Name or shortened name of creditor)  
has started a legal process called  
"garnishment." The process requires that  
money be taken from your pay and given to  
them to pay what you owe. The person who  
pays you does not keep the money.

! (Name or shortened name of creditor)  
filled out this form. The law requires the  
person who pays you to give you this form.

! If the line below is checked, (name or  
shortened name of creditor) is not the  
creditor you originally owed money to. If  
that is the case, knowing the name of the  
original creditor might help you understand  
why money will be taken from your pay.

\_\_\_ The amount you owe originally  
comes from a debt you owed to (insert  
name of original creditor).

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**2. How Much  
Do I Owe?**

(Name or shortened name of creditor) says you  
currently owe \$(state amount). The amount could  
go up if there are more court costs or additional  
interest. The amount also could go down if you  
make payments to (name or shortened name of  
creditor).

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1 The person who pays you will soon be required to  
2 start taking money from your pay. Money will  
3 continue to be taken from your pay until the total  
4 amount you owe on this debt is paid.

5 **3. How Will** The rules about how much of your pay can be  
6 **The Amount I** taken are explained in the Notice of Colorado  
7 **Owe Be Paid?** Rules About Garnishment that you received with  
8 this notice.

9 At any time, you can get a report that shows how  
10 the amount taken from your pay was calculated.  
11 To receive this report, you must write or email the  
12 person who pays you.  
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16 You have three options:

17 **4. What** *Talk with a lawyer.* A lawyer can explain the  
18 **Options Do I** situation to you and help you decide what to do.

19 **Have?** This office can help you find a lawyer:

20 (insert name and contact information for  
21 legal aid or lawyer referral service)

22 *Contact (insert name or shortened name of*  
23 *creditor).* If you can work something out with  
24 them, money might not have to be taken from your  
25 pay. This is the creditor's contact information:

26 (Insert creditor's contact information)

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*Request a court hearing.* A hearing could be helpful if there are any disagreements about the garnishment, for example, if you don't think you owe money. For help in requesting a hearing, contact:

(insert name and address of appropriate entity)

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**5. What If I Don't Do Anything?** If you don't do anything, the law requires that money be taken out of your pay every payday and given to (insert name or shortened name of creditor). This process continues until you have paid off your debt.

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**13-54.7-111. Notice of Colorado rules about garnishment.**

- (1) THE NOTICE REQUIRED BY SECTION 13-54.7-105 (3)(e) MUST:
  - (a) HAVE A HEADING STATING THAT IT IS THE NOTICE OF COLORADO RULES ABOUT GARNISHMENT; AND
  - (b) REASONABLY INFORM AN EMPLOYEE OF:
    - (I) THE LIMITS ON WAGE GARNISHMENT UNDER SECTION 13-54.7-113;
    - (II) EXEMPTIONS FROM AND LIMITS ON GARNISHMENT UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE 54.7; AND
    - (III) THE PROCESS FOR CLAIMING EXEMPTIONS FROM AND LIMITS ON GARNISHMENT, IF ANY.

**13-54.7-112. Calculation worksheet.** A CALCULATION

1 WORKSHEET REQUIRED UNDER SECTION 13-54.7-108 (5) OR (6) MUST BE  
2 IN SUBSTANTIALLY THE FOLLOWING FORM:

3 **Notice of Garnishment**

4 Debtor:

5 Creditor:

6 For Earnings Paid on:

7 **Calculation of Amount Garnished for this Payday**

8 Disposable Earnings:

9 1. Gross Earnings Paid to Debtor \$ \_\_\_\_\_

10 2. Amounts Withheld:

11 a. Federal social security tax: \$ \_\_\_\_\_

12 b. Federal Medicare tax: \$ \_\_\_\_\_

13 c. Federal income tax: \$ \_\_\_\_\_

14 d. State income tax: \$ \_\_\_\_\_

15 e. City or local tax: \$ \_\_\_\_\_

16 f. Railroad retirement tax: \$ \_\_\_\_\_

17 g. Other: \$ \_\_\_\_\_

18 3. Total Amounts Withheld

19 (Sum of items in line 2) \$ \_\_\_\_\_

20 4. Disposable Earnings

21 (Line 1 minus line 3) \$ \_\_\_\_\_

22 Garnishment Calculation:

23 5. ( \_\_\_ )% of Disposable Earnings (line 4) \$ \_\_\_\_\_

24 6. Exemption Amount \$ \_\_\_\_\_

25 7. Line 4 minus line 6 (if less than \$0, enter \$0) \$ \_\_\_\_\_

26 8. Enter smaller of line 5 or line 7 \$ \_\_\_\_\_

27 9. Amounts of Other Current Garnishments with Higher



1 AT THE TIME THAT THE EARNINGS ARE PAYABLE.

2 (2) FOR A PAY PERIOD GREATER THAN ONE WEEK, THE AMOUNT IN  
3 SUBSECTION (1)(b) OF THIS SECTION MUST BE ADJUSTED TO BE THE  
4 APPROPRIATE MULTIPLE OF THIRTY TIMES THE STATE OR FEDERAL  
5 MINIMUM WAGE. IN CALCULATING THE MULTIPLE, A PAY PERIOD OF ONE  
6 CALENDAR MONTH IS DEEMED TO BE FOUR AND ONE-THIRD WEEKS.

7 **13-54.7-114. Multiple ordered deductions.** (1) IF MORE THAN  
8 ONE ORDERED DEDUCTION IS IN EFFECT AGAINST AN EMPLOYEE OF AN  
9 EMPLOYER, THE FOLLOWING RULES APPLY:

10 (a) FOR ORDERED DEDUCTIONS WITH HIGHER PRIORITY THAN A  
11 GARNISHMENT, THE GARNISHEE SHALL SEND WITHHELD EARNINGS TO  
12 PERSONS ENTITLED TO THE DEDUCTIONS BEFORE SENDING ANY WITHHELD  
13 EARNINGS UNDER SUBSECTION (1)(b) OR (1)(c) OF THIS SECTION. THE  
14 GARNISHEE SHALL SEND ANY AMOUNTS REMAINING AFTER PAYMENT  
15 UNDER THIS SUBSECTION (1)(a) IN ACCORDANCE WITH SUBSECTIONS (1)(b)  
16 AND (1)(c) OF THIS SECTION.

17 (b) FOR ORDERED DEDUCTIONS WITH THE SAME PRIORITY AS A  
18 GARNISHMENT, THE GARNISHEE SHALL SEND AN EQUAL AMOUNT OF THE  
19 WITHHELD EARNINGS TO EACH PERSON ENTITLED TO THE DEDUCTIONS  
20 WITHOUT REGARD TO THE TIME THE DEDUCTION BECAME EFFECTIVE, THE  
21 AMOUNT OF THE DEBT, OR ANY OTHER FACTOR.

22 (c) FOR ORDERED DEDUCTIONS WITH A LOWER PRIORITY THAN A  
23 GARNISHMENT, THE GARNISHEE SHALL SEND ALL AMOUNTS DUE UNDER  
24 SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION BEFORE ANY PAYMENT  
25 IS MADE ON THE DEDUCTIONS.

26 (2) PRIORITY OF ORDERED DEDUCTIONS IS DETERMINED UNDER  
27 LAW OF THIS STATE OTHER THAN THIS ARTICLE 54.7.

1           **13-54.7-115. Compliance process.** (1) A GARNISHEE IS NOT  
2           LIABLE FOR A SANCTION UNDER SECTION 13-54.7-116 UNLESS:

3           (a) THE DEBTOR OR CREDITOR FILES A MOTION WITH THE COURT  
4           WHICH STATES WITH SPECIFICITY THE NATURE OF THE GARNISHEE'S  
5           FAILURE TO COMPLY WITH THIS ARTICLE 54.7;

6           (b) IF A CREDITOR FILES THE MOTION UNDER SUBSECTION (1)(a) OF  
7           THIS SECTION AND AN AGENT HAS BEEN NAMED UNDER SECTION  
8           13-54.7-106 (1)(b)(I)(C), THE CREDITOR SENDS A COPY OF THE MOTION TO  
9           THE AGENT; AND

10          (c) THE GARNISHEE FAILS:

11          (I) TO SEND THE INFORMATION REQUIRED BY SECTION 13-54.7-106  
12          (1)(a) OR (1)(b)(I), OR (1)(b)(II), AS APPLICABLE, NOT LATER THAN  
13          FOURTEEN BUSINESS DAYS AFTER RECEIVING THE MOTION UNDER  
14          SUBSECTION (1)(a) OF THIS SECTION OR A COPY OF THE MOTION UNDER  
15          SUBSECTION (1)(b) OF THIS SECTION, WHICHEVER IS EARLIER;

16          (II) TO BEGIN GARNISHMENT UNDER SECTION 13-54.7-107 NOT  
17          LATER THAN TWENTY-ONE DAYS AFTER RECEIVING THE MOTION OR, IF NO  
18          PAYDAY OCCURS BETWEEN SIX AND TWENTY-ONE DAYS AFTER RECEIVING  
19          THE MOTION, ON THE NEXT PAYDAY LATER THAN TWENTY-ONE DAYS  
20          AFTER RECEIVING THE MOTION UNDER SUBSECTION (1)(a) OF THIS SECTION  
21          OR A COPY OF THE MOTION UNDER SUBSECTION (1)(b) OF THIS SECTION,  
22          WHICHEVER IS EARLIER; OR

23          (III) TO REMIT TO THE CREDITOR, NOT LATER THAN FIVE BUSINESS  
24          DAYS AFTER RECEIVING THE MOTION, THE AMOUNT THAT HAS BEEN  
25          WITHHELD FROM THE EARNINGS OF THE DEBTOR SINCE GARNISHMENT  
26          BEGAN UNDER SECTION 13-54.7-107 BUT NOT PROPERLY REMITTED TO THE  
27          CREDITOR UNDER SECTION 13-54.7-108 (1).

1 (2) FOR GOOD CAUSE, THE COURT MAY WAIVE ALL OR ANY PART  
2 OF THE AMOUNTS OTHERWISE DUE UNDER SECTION 13-54.7-116.

3 **13-54.7-116. Garnishee sanctions for noncompliance.**

4 (1) SUBJECT TO SECTION 13-54.7-115, THE FOLLOWING RULES APPLY:

5 (a) A GARNISHEE THAT FAILS TO COMPLY WITH SECTION  
6 13-54.7-106 IS LIABLE TO THE CREDITOR FOR TWENTY DOLLARS FOR EACH  
7 DAY BEGINNING TWENTY-TWO DAYS AFTER SERVICE OF THE WRIT OF  
8 GARNISHMENT:

9 (I) UNTIL THE GARNISHEE SENDS THE INFORMATION REQUIRED BY  
10 SECTION 13-54.7-106 (1)(a); OR

11 (II) UNTIL THE EARLIER OF THE DAY THE GARNISHEE SENDS THE  
12 INFORMATION REQUIRED BY SUBSECTION 13-54.7-106 (1)(b) OR  
13 GARNISHMENT IS REQUIRED TO BEGIN UNDER SECTION 13-54.7-107;

14 (b) A GARNISHEE THAT FAILS TO COMPLY WITH SECTION  
15 13-54.7-107 IS LIABLE TO THE CREDITOR FOR THE AMOUNT THAT SHOULD  
16 HAVE BEEN WITHHELD PURSUANT TO THAT SECTION AND SENT TO THE  
17 CREDITOR;

18 (c) A GARNISHEE THAT FAILS TO COMPLY WITH SECTION  
19 13-54.7-108 (1) IS LIABLE TO THE CREDITOR FOR:

20 (I) ANY AMOUNT WITHHELD FROM THE EARNINGS OF THE  
21 EMPLOYEE WHICH THE CREDITOR DID NOT RECEIVE BECAUSE OF THE  
22 GARNISHEE'S FAILURE TO SEND THE AMOUNT PROPERLY; AND

23 (II) TWENTY DOLLARS FOR EACH DAY BEGINNING SIX BUSINESS  
24 DAYS AFTER A PAYDAY ON WHICH THE AMOUNT WAS OR SHOULD HAVE  
25 BEEN WITHHELD FROM THE EARNINGS OF THE EMPLOYEE AND ENDING THE  
26 DAY BEFORE THE AMOUNT IS SENT TO THE CREDITOR;

27 (d) A GARNISHEE THAT FAILS UNDER SECTION 13-54.7-108 (5) TO

1 SEND A CALCULATION WORKSHEET OR A COPY OF THE NOTICE RECEIVED  
2 FROM THE CREDITOR IS LIABLE TO THE EMPLOYEE FOR FIVE DOLLARS FOR  
3 EACH DAY BEGINNING ON THE PAYDAY WHEN THE WORKSHEET OR NOTICE  
4 SHOULD HAVE BEEN SENT AND ENDING THE DAY BEFORE THE GARNISHEE  
5 SENDS THE WORKSHEET OR NOTICE;

6 (e) A GARNISHEE THAT FAILS TO COMPLY WITH A REQUEST BY AN  
7 EMPLOYEE OR CREDITOR FOR A CALCULATION WORKSHEET UNDER SECTION  
8 13-54.7-108 (6) IS LIABLE TO THE REQUESTING EMPLOYEE OR CREDITOR  
9 FOR FIVE DOLLARS FOR EACH DAY BEGINNING SIX BUSINESS DAYS AFTER  
10 THE REQUEST AND ENDING THE DAY BEFORE THE GARNISHEE SENDS THE  
11 WORKSHEET;

12 (f) A GARNISHEE THAT FAILS TO COMPLY WITH SECTION  
13 13-54.7-109 (3) IS LIABLE TO THE CREDITOR FOR FIVE DOLLARS FOR EACH  
14 DAY BEGINNING TWENTY-TWO DAYS AFTER THE FIRST DAY ON WHICH THE  
15 DEBTOR IS NO LONGER AN EMPLOYEE OF THE GARNISHEE AND ENDING THE  
16 DAY THE NOTICE IS SENT;

17 (g) A CREDITOR SHALL APPLY ANY AMOUNT PAID BY A GARNISHEE  
18 TO THE CREDITOR UNDER THIS SECTION TOWARD REDUCTION OF THE  
19 AMOUNT OWED BY THE DEBTOR TO THE CREDITOR. THE MAXIMUM  
20 AMOUNT PAID BY A GARNISHEE UNDER THIS SECTION MAY NOT EXCEED  
21 THE TOTAL AMOUNT OWED BY THE DEBTOR IN THE GARNISHMENT ACTION.

22 (h) A REDUCTION OF THE AMOUNT OWED BY THE DEBTOR TO THE  
23 CREDITOR UNDER SUBSECTION (1)(g) OF THIS SECTION DOES NOT ENTITLE  
24 THE GARNISHEE TO ANY RIGHT OF REIMBURSEMENT, INDEMNITY, OR  
25 SUBROGATION AGAINST THE DEBTOR. THIS SUBSECTION (1)(h) MAY NOT  
26 BE VARIED BY AGREEMENT.

27 **13-54.7-117. Creditor sanctions.** (1) IF A COURT DETERMINES

1 THAT A CREDITOR ACTED IN BAD FAITH IN SEEKING A GARNISHMENT  
2 UNDER THIS ARTICLE 54.7, THE CREDITOR IS LIABLE FOR:

- 3 (a) AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS;
- 4 (b) ANY AMOUNTS DUE UNDER SUBSECTION (3) OF THIS SECTION;
- 5 AND
- 6 (c) REASONABLE ATTORNEY'S FEES, AS DETERMINED BY THE  
7 COURT, OF THE GARNISHEE AND THE INDIVIDUAL WHOSE EARNINGS THE  
8 CREDITOR SOUGHT TO GARNISH.

9 (2) (a) A CREDITOR ACTS IN BAD FAITH IF IT RECEIVES FROM A  
10 GARNISHEE OR AN INDIVIDUAL WHOSE EARNINGS THE CREDITOR SOUGHT  
11 TO GARNISH A NOTICE IN A RECORD STATING THE REASON THAT THE  
12 GARNISHMENT IS WRONGFUL AND FAILS WITHIN SEVEN BUSINESS DAYS  
13 AFTER RECEIVING THE NOTICE TO EITHER:

14 (I) TAKE APPROPRIATE ACTION TO STOP THE GARNISHMENT AND  
15 RETURN ANY EARNINGS GARNISHED DURING THE SIXTY DAYS PRECEDING  
16 RECEIPT OF THE NOTICE AND SEND TO THE GARNISHEE OR INDIVIDUAL A  
17 RECORD INDICATING THAT IT HAS DONE SO; OR

18 (II) FILE A MOTION WITH THE COURT REQUESTING AN EXPEDITED  
19 HEARING TO DETERMINE WHETHER THE GARNISHMENT WAS WRONGFUL.

20 (b) IF THE CREDITOR IS REPRESENTED BY AN ATTORNEY, THE  
21 GARNISHEE OR INDIVIDUAL MUST SEND THE NOTICE TO THE ATTORNEY.

22 (3) A CREDITOR THAT FAILS TO COMPLY WITH SUBSECTION (2) OF  
23 THIS SECTION IS LIABLE FOR FIFTY DOLLARS PER DAY BEGINNING ON THE  
24 EIGHTH BUSINESS DAY AFTER RECEIVING THE NOTICE PROVIDED FOR IN  
25 THAT SUBSECTION AND ENDING THE DAY BEFORE THE CREDITOR COMPLIES  
26 WITH SUBSECTION (2)(a) OF THIS SECTION.

27 (4) A COURT MAY ALLOCATE AMOUNTS AWARDED UNDER

1 SUBSECTION (1) OF THIS SECTION OTHER THAN ATTORNEY'S FEES BETWEEN  
2 THE GARNISHEE AND THE INDIVIDUAL WHOSE EARNINGS THE CREDITOR  
3 SOUGHT TO GARNISH, TAKING INTO CONSIDERATION WHICH PERSON FILED  
4 THE CLAIM ALLEGING BAD FAITH OR SENT THE NOTICE ALLEGING  
5 WRONGFUL GARNISHMENT, THE EXTENT OF EACH PERSON'S PARTICIPATION  
6 IN THE PROCEEDINGS, AND THE HARM SUFFERED BY EACH PERSON.

7 (5) FOR GOOD CAUSE, A COURT MAY WAIVE ALL OR PART OF THE  
8 AMOUNTS OTHERWISE DUE UNDER SUBSECTION (1) OF THIS SECTION.

9 (6) THIS SECTION DOES NOT LIMIT ANY OTHER REMEDY AVAILABLE  
10 TO A GARNISHEE OR AN INDIVIDUAL WHOSE EARNINGS A CREDITOR  
11 SOUGHT TO GARNISH UNDER LAW OF THIS STATE OTHER THAN THIS  
12 ARTICLE 54.7.

13 **13-54.7-118. Hearing.** (1) A GARNISHEE, CREDITOR, OR DEBTOR  
14 AT ANY TIME MAY REQUEST THE COURT TO HOLD A HEARING TO  
15 DETERMINE ANY ISSUE ARISING UNDER THIS ARTICLE 54.7.

16 (2) A DEBTOR AT ANY TIME MAY REQUEST THE COURT TO HOLD A  
17 HEARING TO CLAIM AN EXEMPTION FROM OR LIMIT ON GARNISHMENT  
18 UNDER LAW OF THIS STATE OTHER THAN THIS ARTICLE 54.7.

19 (3) A HEARING REQUESTED UNDER THIS SECTION MUST BE HELD  
20 PROMPTLY. THE COURT MAY ENJOIN A GARNISHMENT UNTIL THE HEARING  
21 CAN BE HELD.

22 **13-54.7-119. Protection of employee subject to garnishment.**

23 (1) AN EMPLOYER MAY NOT DISCHARGE OR TAKE OTHER ADVERSE ACTION  
24 AGAINST AN EMPLOYEE BECAUSE OF A GARNISHMENT OR ATTEMPTED  
25 GARNISHMENT.

26 (2) SUBSECTION (1) OF THIS SECTION IS ENFORCEABLE BY THE  
27 POWERS, REMEDIES, AND PROCEDURES USED TO ENFORCE ARTICLE 2 OF

1 TITLE 8.

2 **13-54.7-120. Other laws not limited.** THIS ARTICLE 54.7 DOES  
3 NOT LIMIT ANY LAW OF THIS STATE OTHER THAN THIS ARTICLE 54.7 THAT  
4 OTHERWISE LIMITS OR PROHIBITS GARNISHMENT.

5 **13-54.7-121. Uniformity of application and construction.** IN  
6 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
7 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
8 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

9 **13-54.7-122. Relation to electronic signatures in global and**  
10 **national commerce act.** THIS ARTICLE 54.7 MODIFIES, LIMITS, OR  
11 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND  
12 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT  
13 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.  
14 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE  
15 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003  
16 (b).

17 **13-54.7-123. Savings clause.** THIS ARTICLE 54.7 DOES NOT  
18 AFFECT THE VALIDITY OR EFFECT OF A GARNISHMENT ACTION FILED ON OR  
19 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE 54.7.

20 **13-54.7-124. Severability.** IF ANY PROVISION OF THIS ARTICLE  
21 54.7 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD  
22 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
23 APPLICATIONS OF THIS ARTICLE 54.7 THAT CAN BE GIVEN EFFECT WITHOUT  
24 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
25 PROVISIONS OF THIS ARTICLE 54.7 ARE SEVERABLE.

26 **SECTION 2.** In Colorado Revised Statutes, 13-54-104, **amend**  
27 (1)(b)(I)(A) as follows:

1           **13-54-104. Restrictions on garnishment and levy under**  
2 **execution or attachment - definitions.** (1) As used in this section,  
3 unless the context otherwise requires:

4           (b) (I) "Earnings" means:

5           (A) Compensation paid or payable to an ~~individual employee or~~  
6 independent contractor for personal labor or services;

7           **SECTION 3.** In Colorado Revised Statutes, 13-54.5-101, **amend**  
8 the introductory portion and (2)(a)(I) as follows:

9           **13-54.5-101. Definitions.** As used in this ~~article~~ ARTICLE 54.5,  
10 unless the context otherwise requires:

11           (2) (a) "Earnings" means:

12           (I) Compensation paid or payable to an ~~individual employee or~~  
13 independent contractor for personal labor or services;

14           **SECTION 4.** In Colorado Revised Statutes, **amend** 13-55-101 as  
15 follows:

16           **13-55-101. Defendant to file written claim.** Except in cases of  
17 garnishment pursuant to article 54.5 OR 54.7 of this ~~title~~ TITLE 13, in cases  
18 where a sheriff or other officer by virtue of a writ of execution, writ of  
19 attachment, or other order of court issued by a court of record or clerk  
20 thereof levies upon, seizes, or takes into his OR HER possession any  
21 property of the defendant debtor, which said property, or part thereof, the  
22 defendant claims as exempt under the provisions of the statutes of the  
23 state, said defendant debtor, within fourteen days after being served with  
24 notice of such levy or seizure, shall make and file with the clerk of the  
25 court of record out of which such writ of execution, writ of attachment,  
26 or other order was issued a written claim of such exemption setting forth  
27 with reasonable detail the description of the property so claimed to be

1 exempt together with the grounds of such claim of exemption.

2           **SECTION 5. Inclusion of official comments.** There shall be  
3 included in the publication of the "Uniform Wage Garnishment Act", as  
4 nonstatutory matter, following each section of the article, the full text of  
5 the official comments to that section contained in the official volume  
6 containing the 2017 official text of the "Uniform Wage Garnishment Act"  
7 issued by the national conference of commissioners on uniform state  
8 laws, with any changes in the official comments or Colorado comments  
9 to correspond to Colorado changes in the uniform act. The revisor of  
10 statutes shall prepare the comments for approval by the committee on  
11 legal services for publication.

12           **SECTION 6. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect January 1, 2018; except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within the ninety-day period after final adjournment of the general  
17 assembly, then the act, item, section, or part will not take effect unless  
18 approved by the people at the general election to be held in November  
19 2018 and, in such case, will take effect on the date of the official  
20 declaration of the vote thereon by the governor.

21           (2) This act applies to writs of garnishment filed on or after the  
22 applicable effective date of this act.