
A BILL FOR AN ACT

RELATING TO WAGE GARNISHMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Wage garnishment protection. (a) It shall be
5 unlawful, during a covered period and for sixty days following
6 the termination of that covered period, for a creditor to
7 initiate or to continue proceedings to garnish wages in a manner
8 consistent with chapter 652 due to past-due moneys owed on debt;
9 provided that the past or present moneys owed for child support
10 shall be exempt from this section.

11 (b) After the covered period and the sixty days following
12 the termination of the covered period, for six months
13 thereafter, it shall be unlawful for a creditor to garnish an
14 amount exceeding ten per cent of the debtor's wages; provided
15 that the creditor and debtor may come to a mutual agreement as
16 to a payment plan on any debt owed.



1 (c) Remedies provided under this section are cumulative
2 and do not preclude any remedies available to debtors under any
3 other law.

4 (d) A creditor who willfully violates this section shall
5 be liable to the debtor in a civil action for the following:

6 (1) Actual damages to the debtor; and

7 (2) Reasonable attorney's fees arising from the civil
8 action.

9 (e) For the purposes of this section:

10 "Child support" means payment for the necessary support and
11 maintenance of a child as required by law that includes but is
12 not limited to spousal support when being enforced in
13 conjunction with child support or medical support when a court
14 or administrative order requires the debtor parent to pay an
15 amount in lieu of providing medical insurance coverage or to
16 reimburse for maternity and delivery expenses incurred when the
17 debtor parent's child was born.

18 "Covered period" means the period during which a state of
19 emergency declared by governor's emergency proclamation is in
20 effect.

21 "Creditor" means the following:



1 (1) Any person or entity that offers or extends credit
2 creating a debt;

3 (2) Any person or entity that is owed payment arising out
4 of any obligation or agreement;

5 (3) Any lessor of real or personal property;

6 (4) Any provider of utility services; and

7 (5) Any debt collector.

8 "Debt" means any obligation or alleged obligation of a
9 person to pay money arising out of any transaction, whether or
10 not the obligation has been reduced to judgment; provided that
11 debt does not include any moneys owed out of a past or present
12 child support obligation.

13 "Debtor" means any individual obligated or allegedly
14 obligated to pay any debt who can establish they have been
15 negatively financially impacted by the coronavirus disease 2019
16 pandemic.

17 "Debt collector" means a creditor, any person or entity
18 that engages in the collection of debt, including the state
19 government or any agency of this State, irrespective of whether
20 the debt is allegedly owed to that person or entity.



1 "Emergency proclamation" means an emergency proclamation
2 issued by the governor pursuant to this chapter in relation to
3 the coronavirus disease 2019 pandemic."

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2050 and
9 shall repeal six months after the expiration of the governor's
10 emergency proclamation as defined in section 1 of this Act, or
11 on December 31, 2021, whichever occurs first.



Report Title:

Wage Garnishment; Moratorium; Emergency Proclamation

Description:

Prohibits a creditor from initiating or continuing any action to garnish wages from a debtor during the period of an emergency proclamation in relation to the coronavirus disease 2019 pandemic and some time thereafter. Prohibits a creditor from garnishing more than ten per cent of a debtor's wages for six months thereafter. Effective 7/1/2050. Repeals 12/31/2021.
(SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

