

ACT 167

An Act Relating to District Courts, Repealing Sections 216-16 to 216-19 and Amending Chapters 237 and 238, Revised Laws of Hawaii 1955, as Amended.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Sections 216-16, 216-17, 216-18 and 216-19, Revised Laws of Hawaii 1955, are hereby repealed.

SECTION 2. Section 237-1(b), Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the second sentence thereof to read as follows:

“In any action brought by a creditor against a debtor, the creditor may, after judgment rendered in his favor, request the court to summon any garnishee to appear personally, upon a day appointed in the summons for hearing the cause as against such garnishee, and make full disclosure; or in any action brought in the district court by a creditor against a debtor, the creditor may, ten days after judgment rendered in his favor, file a certified copy of the judgment and his affidavit as to the amount due and unpaid on account of the judgment with the employer of the judgment debtor and the employer shall thereupon either file a disclosure within one week or shall withhold from the wages of the judgment debtor the amounts as provided herein and pay the same to the judgment creditor.”

SECTION 3. Section 237-1, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new subparagraph as follows:

“(f) No employer shall be liable to anyone for deductions and payments to judgment creditors from wages of judgment debtor employees, as herein provided, when he in good faith believes, or has reason to believe, that service of the certified copy of the judgment and affidavit of the judgment creditor as provided in (b) herein affects the same.”

SECTION 4. Section 238-6, Revised Laws of Hawaii 1955, is hereby further amended by adding a new paragraph thereto to read as follows:

“In any action brought in the district court by a creditor against a debtor, the creditor may, ten days after judgment rendered in his favor, in lieu of requesting the issuance of a garnishee summons file a certified copy of the judgment and his affidavit as to the amount due and unpaid on account of the judgment with the comptroller of the State or of the political or municipal subdivision of the State, or other officers through whom the salary, stipend or wages of such judgment debtor is paid, and upon such filing such comptroller or other officer shall withhold from the wages of the judgment debtor the amounts provided in section 237(1)* subject to payment in good faith as provided in section 237-1(f) and pay the same to the judgment creditor.”

SECTION 5. This Act shall take effect upon its approval.

(Approved July 8, 1961.) **S.B. 609.**

* So in original. Should probably read 237-1(a).