

Public Law 86-130

AN ACT

To amend the code of law for the District of Columbia by modifying the provisions relating to the attachment and garnishment of wages, salaries, and commissions of judgment debtors, and for other purposes.

August 4, 1959
[H. R. 836]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is amended by inserting after section 1104 thereof a new section as follows:

"SEC. 1104A. ATTACHMENT OF WAGES.—(a) Notwithstanding any other provision of this chapter, where an attachment is levied upon wages due a judgment debtor from an employer-garnishee, such attachment shall become a lien and a continuing levy upon the gross wages due or to become due to the judgment debtor for the amount specified in the attachment to the extent of (1) 10 per centum of so much of the gross wages as does not exceed \$200 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month, plus (2) 20 per centum of so much of the gross wages as exceeds \$200 but does not exceed \$500 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month, plus (3) 50 per centum of so much of the gross wages as exceeds \$500 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month. Such levy shall be a continuing levy until the judgment, interest, and costs thereof are fully satisfied and paid, and in no event shall moneys be withheld, by the employer-garnishee from the judgment debtor, in amounts greater than those prescribed by this section. Only one attachment upon the wages of a judgment debtor shall be satisfied at one time. Where more than one attachment is issued upon the wages of the same judgment debtor and served upon the same employer-garnishee, the attachment first delivered to the marshal shall have priority, and all subsequent attachments shall be satisfied in the order of priority set forth in section 452 of this Act.

"(b) It shall be the duty and responsibility of any employer upon whom an attachment is served, and who at such time is indebted for wages to an employee who is the judgment debtor named in such attachment, or who becomes so indebted to such judgment debtor in the future and while such attachment remains a lien upon such indebtedness, to withhold and pay to the judgment creditor, or his legal representative, within fifteen days after the close of the last pay period of the judgment debtor ending in each calendar month, that percentage of the gross wages payable to the judgment debtor for the pay period or periods ending in such calendar month to which the judgment creditor is entitled under the terms of this section until such attachment is wholly satisfied: *Provided*, That upon written notice of any court proceeding attacking such attachment or the judgment on which it is based, the employer shall make no further payments to the judgment creditor or his legal representative until receipt of an order of court terminating such proceedings. Any payments made by an employer-garnishee in conformity with this subsection shall be a discharge of the liability of the employer to the judgment debtor to the extent of such payment. Under this subsection the employer-garnishee shall not withhold or pay over more than 10 per centum of the gross wages payable to the judgment debtor for any pay period ending in any calendar month until the total amount of gross wages

D. C. garnish-
ment laws, revi-
sion.
31 Stat. 1362.
D. C. Code 15-
218.
Percentage limi-
tations.

D. C. Code 16-
308.
Employer pay-
ments to judgment
creditors.

paid or payable to the judgment debtor for all pay periods ending in such calendar month equals \$200, nor more than 20 per centum of the gross wages in excess of \$200 payable to the judgment debtor for any pay period ending in any calendar month until the total amount of gross wages paid or payable to the judgment debtor for all pay periods ending in such calendar month equals \$500.

Filing of re-
ceipts.

“(c) It shall be the duty and responsibility of the judgment creditor (1) to file with the clerk of the court, every three months after the serving of an attachment, a receipt showing the amount received and the balance due under the attachment as of the date of filing, and (2) to file a final receipt with the court, furnish a copy thereof to the employer-garnishee, and to obtain a vacation of the attachment within twenty days after the attachment has been satisfied. If the judgment creditor fails to file any of the receipts prescribed in this subsection, any interested party may move the court to compel the defaulting judgment creditor to appear in court and make an accounting forthwith. The court may, in its discretion, enter judgment for any damages, including a reasonable attorney's fee, suffered by, and tax costs in favor of, the party filing the motion to compel the accounting.

Penalty.

“(d) If the employer-garnishee fails to pay to the judgment creditor the percentages prescribed in this section of the wages which become payable to the judgment debtor for any pay period, judgment shall be entered against him for an amount equal to the percentages with respect to which such failure occurs.

Lapse of attach-
ment.

“(e) If a judgment debtor resigns or is dismissed from his employment while an attachment upon his wages is wholly or partly unsatisfied, such attachment shall lapse and no further deduction shall be made thereon unless the judgment debtor is reinstated or reemployed within ninety days after such resignation or dismissal.

“Wages.”

“(f) For purposes of this section, the term ‘wages’ means—

“(1) wages, salary, commissions, or other remuneration for services performed by an employee for his employer, including any such remuneration measured partly or wholly by percentages or share of profits, or by other sums based upon work done or results produced, whether or not the employee is given a drawing account, and

“(2) any drawing account made available to an employee by his employer.

The term wages shall not include any amount paid or payable to an employee who is not a resident of the District of Columbia as remuneration for services performed within the District of Columbia, if the period for which the employee is engaged by the employer to perform such services within the District of Columbia is less than fifteen consecutive days' duration; and any such amount shall be subject to attachment without regard to this section.

Percent limita-
tions.
Nonapplicabil-
ity.

“(g) The per centum limitations prescribed by subsection (a) of this section shall not apply in the case of execution upon a judgment, order, or decree of any court of the District of Columbia for the payment of any sum for the support or maintenance of a person's wife, or former wife, or children, and any such execution, judgment, order, or decree shall, in the discretion of the court, have priority over any other execution which is subject to the provisions of this section. In the case of execution upon such a judgment, order, or

decree for the payment of such sum for support or maintenance, the limitation shall be 50 per centum of the gross wages due or to become due to any such person for the pay period or periods ending in any calendar month.

“(h) No attachment issued by the municipal court for the District of Columbia upon a judgment of such court duly docketed in the United States District Court for the District of Columbia, and levied within six years from the date of such judgment upon the wages due or to become due to the judgment debtor from the employer-garnishee, shall lapse or become invalid prior to complete satisfaction solely by reason of the expiration of the period of limitation set forth in section 4(c) of the Act of April 1, 1942 (56 Stat. 193; D.C. Code 11-755).

Limitation period.

“(i) Where the judgment debtor claims or is proved to be rendering services to or employed by a relative or other person or by a corporation owned or controlled by a relative or other person, without salary or compensation, or at a salary or compensation so inadequate as to satisfy the court that such salary or compensation is merely colorable and designed to defraud or impede the creditors of such debtor, the court may direct such employer-garnishee to make payments on account of the judgment, in installments, based upon a reasonable value of the services rendered by such judgment debtor under his said employment or upon said debtor's then earning ability.

Installment payments.

“(j) Where an attachment levied under section 1104A is based upon a judgment obtained by default or consent without a trial upon the merits, the court, upon motion of any interested person, may quash such attachment upon satisfactory proof that such judgment was obtained without just cause and solely for the purpose of preventing or delaying the satisfaction of just claims.”

SEC. 2. Subsection (b) of section 1089 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, as amended (D.C. Code 15-304), is amended by adding at the end thereof the following: “This subsection shall not apply with respect to an attachment upon wages to which section 1104A of this Act applies.”

31 Stat. 1360.

SEC. 3. Section 1098 of such Act, as amended (D.C. Code 15-312), is amended by striking out “If” and inserting in lieu thereof “Subject to the provisions of section 1104A of this Act, if”.

31 Stat. 1361.

SEC. 4. Section 1107 of such Act, as amended (D.C. Code 15-403), is amended—

58 Stat. 818.

(a) by striking out “earnings, salary” each place it appears in subsections (a) and (b) and inserting in lieu thereof “earnings (other than wages, as defined in section 1104A)”; and

(b) by striking out “salaries” in the proviso in subsection (a).

58 Stat. 819.

SEC. 5. (a) Section 456 of such Act, as amended (D.C. Code 16-312), is amended by adding at the end thereof as follows:

“(c) Any attachment issued under section 445 of this Act solely on the ground that the defendant is not a resident of the District of Columbia and levied upon wages as defined in section 1104A (f) shall be subject to the provisions of section 1104A of this Act, except that the employer-garnishee shall pay over the wages withheld pursuant to such section only pursuant to the order of the court which has jurisdiction of the case. In applying the provisions of such section to any such attachment, the term ‘judgment debtor’ as used in such section shall be considered to refer to the defendant in the case in which such attachment is issued; and the term ‘judgment creditor’ shall be considered to refer to the plaintiff in such case.”

D. C. Code 16-301.

(b) Subsection (b) of such section 456 is amended by striking out “Wages” and inserting in lieu thereof “earnings”.

Applicability.

SEC. 6. The amendments made by this Act shall apply only with respect to attachments upon wages (as defined in section 1104A(f) of this Act) which are issued on or after sixty days from the date of the enactment of this Act.

Separability.

SEC. 7. If any section, subdivision, or clause of section 1104A shall be held to be invalid, the remainder of the Act shall not be affected thereby.

Rules of procedure.

SEC. 8. The judges of the municipal court for the District of Columbia and of the United States District Court for the District of Columbia shall establish such rules of procedure for their respective courts as may be necessary to effectuate the purposes of this Act.

Approved August 4, 1959.

Public Law 86-131

AN ACT

To amend the Federal Crop Insurance Act.

August 4, 1959
[H. R. 306]

61 Stat. 718; 67
Stat. 575.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)), as amended, is amended by amending the eleventh sentence thereof to read as follows: "Insurance shall not be provided on any agricultural commodity in any county in which the Board determines that the income from such commodity constitutes an unimportant part of the total agricultural income of the county, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop-insurance program."

Approved August 4, 1959.

Public Law 86-132

AN ACT

Authorizing El Paso County, Texas, to construct, maintain, and operate a bridge across the Rio Grande at or near the city of El Paso, Texas.

August 4, 1959
[H. R. 4538]

Bridge.
Rio Grande
River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That El Paso County, Texas, is authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over such river, at a point suitable to the interests of navigation, at or near the city of El Paso, Texas, but east of the tract of land belonging to the Republic of Mexico known as "Cordova Island", in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to (1) the conditions and limitations contained in this Act, (2) the approval of the International Boundary and Water Commission, United States and Mexico, and (3) the approval of the proper authorities in the Republic of Mexico.

34 Stat. 84.
33 USC 491 note.

Toll charges.

SEC. 2. El Paso County, Texas, may fix and charge tolls for transit over such bridge in accordance with any laws of the State of Texas or the United States applicable thereto, and the rates of toll so fixed shall be the legal rates until changed under the authority contained in the Act of March 23, 1906, referred to in the first section.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved August 4, 1959.