

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 233

Introduced by Senators Leno and Correa

February 11, 2013

An act to add Title 1.6C.5 (commencing with Section 1788.50) to Part 4 of Division 3 of the Civil Code, and to amend Sections 700.010, 706.103, 706.104, 706.108, and 706.122 of, and to add Section 581.5 to, the Code of Civil Procedure, relating to debt buyers.

LEGISLATIVE COUNSEL'S DIGEST

SB 233, as amended, Leno. Debt buyers.

(1) Existing state and federal law regulate the practice of debt collection. Existing state law prohibits a debt collector from engaging in specified conduct, including the use of threats or causing a telephone to ring repeatedly to annoy the person called. Existing law prohibits a debt collector from obtaining an affirmation from a debtor of a consumer debt that has been discharged in bankruptcy, without clearly and conspicuously disclosing to the debtor, in writing, the fact that the debtor is not legally obligated to make such affirmation.

This bill would enact the Fair Debt ~~Buyers~~ *Buying* Practices Act, which would regulate the activities of a person or entity that has bought *charged-off* consumer ~~debt~~ *loans for collection purposes* and the circumstances ~~in~~ *pursuant to* which the person may bring suit. *The bill would apply to consumer debt sold or resold on or after January 1, 2014.* The bill would prohibit a debt buyer, as defined, from making any written statement in an attempt to collect a consumer debt unless the debt buyer possesses information that the debt buyer is the sole owner *or is authorized to assert the rights of all owners* of the specific

debt at issue, the debt balance, as specified, and the name and address of the creditor at the time the debt was charged off, among other things. The bill would require the debt buyer to make certain documents available to the debtor, without charge, upon receipt of a request, within 15 days. The bill would require that a specified notice be included with the debt buyer's first written communication with the debtor. The bill would require all settlement agreements between a debt buyer and a debtor to be documented in open court or otherwise in writing and would require a debt buyer who receives a payment on a debt to provide a receipt or statement containing certain information. The bill would prohibit a debt buyer from initiating a suit to collect a debt if the statute of limitations on the cause of action has expired. The bill would prescribe penalties for each violation of the act and would provide that its provisions may not be waived. The bill would require a debt buyer bringing an action on consumer debt to include certain information in his or her complaint. The bill would prohibit an entry of judgment in favor of a plaintiff debt buyer unless business records authenticated through a sworn declaration and relating to the debt and ownership of it, among other things, are submitted by the debt buyer to the court, and would permit a court to dismiss a debt buyer's action to collect with prejudice if this information is not provided or if the debt buyer fails to appear or is not prepared on the date scheduled for trial.

(2) Existing law establishes a process for the enforcement of money judgments and requires a levying officer to provide certain documents and information to a judgment debtor and to a designated employer in connection with wage garnishment. Existing law permits a process server also to serve an earnings withholding order on an employer and requires that the process server also serve certain documents at this time. Existing law requires an employer who is served with an earnings withholding order to provide certain documents to an employee who is a judgment debtor.

This bill would require, in the circumstances described above, that a copy of the form that the judgment debtor may use to make a claim of exemption and a copy of the form used to provide a financial statement also be provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) The collection of debt purchased by debt buyers has become
3 a significant focus of public concern due to the adequacy of
4 documentation required to be maintained by the industry in support
5 of its collection activities and litigation.

6 (b) State law does not currently prescribe the specific nature of
7 documentation that a debt buyer must maintain and produce in a
8 legal action on the debt.

9 (c) Documentation used to support the collection of a debt must
10 be sufficient to prove that the individual who is being asked to pay
11 the debt is in fact the individual associated with the original
12 contract or agreement, and that the amount of indebtedness is
13 accurate.

14 (d) It is important to create documentation and process standards
15 for the collection of consumer debt that all interested parties can
16 easily understand.

17 (e) Setting specific documentation and process standards will
18 protect consumers, provide needed clarity to courts, and establish
19 clearer criteria for debt buyers and the collection industry.

20 SEC. 2. Title 1.6C.5 (commencing with Section 1788.50) is
21 added to Part 4 of Division 3 of the Civil Code, to read:

22
23 TITLE 1.6C.5. FAIR DEBT-BUYERS BUYING PRACTICES
24 ACT
25

26 1788.50. (a) As used in this title, “debt buyer” means a person
27 or entity that is regularly engaged in the business of purchasing
28 charged-off consumer loans, consumer credit accounts, or other
29 delinquent consumer debt for collection purposes, whether it
30 collects the debt itself, hires a third party for collection, or hires
31 an attorney-at-law for collection litigation. *“Debt buyer” does not*
32 *mean a person or entity that acquires a charged-off consumer debt*
33 *incidental to the purchase of a portfolio predominantly consisting*
34 *of consumer debt that has not been charged off.*

35 (b) ~~“Debt buyer” includes any parent, subsidiary, or other~~
36 ~~affiliate that exercises direct control over the person or entity~~
37 ~~described in subdivision (a).~~

38 (e)

1 (b) The acquisition by a check services company of the right to
2 collect on a paper or electronic check instrument, including an
3 Automated Clearing House item, that has been returned unpaid to
4 a merchant does not constitute a purchase of delinquent consumer
5 debt under this title.

6 ~~(d)~~

7 (c) Terms defined in Title 1.6C (commencing with Section
8 1788) shall apply to this title.

9 (d) *This title shall apply to debt buyers with respect to all
10 consumer debt sold or resold on or after January 1, 2014.*

11 1788.52. (a) A debt buyer shall not make any written statement
12 to a debtor in an attempt to collect a consumer debt unless the debt
13 buyer possesses the following information:

14 (1) That the debt buyer is the sole owner of the debt at issue; or
15 has authority to assert the rights of all owners of the debt.

16 (2) The debt balance at charge off and an explanation of the
17 amount, nature, and reason for all post-charge-off *interest and fees*
18 ~~and charges, if any,~~ imposed by the charge-off creditor or any
19 subsequent purchasers of the debt. This paragraph shall not be
20 deemed to require a specific ~~itemization of each charge~~ *itemization,*
21 *but the explanation shall identify separately the charge-off balance,*
22 *the total of any post-charge-off interest, and the total of any*
23 *post-charge-off fees.*

24 (3) The date of default or the date of the last payment.

25 (4) The name and an address of the charge-off creditor at the
26 time of charge off, and the charge-off creditor's account number
27 associated with the debt. The charge-off creditor's name and
28 address shall be in sufficient form so as to reasonably identify ~~it~~
29 *the charge-off creditor.*

30 (5) The name and last known address of the debtor as they
31 appeared in the charge-off creditor's records prior to the sale of
32 the debt. ~~Where~~ *If* the debt was sold prior to January 1, 2014, the
33 name and last known address *of the debtor* as they appeared in the
34 debt owner's records on December 31, 2013, shall be sufficient.

35 (6) The names and addresses of all persons or entities that
36 purchased the debt after charge off, including the ~~plaintiff~~ debt
37 buyer *making the written statement.* The names and addresses ~~of~~
38 ~~these persons or entities~~ shall be in sufficient form so as to
39 reasonably identify ~~them~~ *each such purchaser.*

1 (b) A debt buyer shall not make any written statement to a debtor
2 in an attempt to collect a consumer debt unless the debt buyer has
3 access to a copy of a contract or other document evidencing the
4 debtor's agreement to the debt. If the claim is based on debt for
5 which no signed contract or agreement exists, the debt buyer shall
6 have access to a copy of a document provided to the debtor while
7 the account was active, demonstrating that the debt was incurred
8 by the debtor. For a revolving credit account, the most recent
9 monthly statement recording a purchase transaction, last payment,
10 or balance transfer shall be deemed sufficient to satisfy this
11 requirement.

12 (c) A debt buyer shall provide the information or documents
13 identified in subdivisions (a) and (b) to the debtor without charge
14 within 15 calendar days of receipt of a debtor's written request for
15 information regarding the debt or proof of the debt. If the debt
16 buyer cannot provide the information or documents within 15
17 calendar days, the debt buyer shall cease all collection of the debt
18 until the debt buyer provides the debtor the information or
19 documents described in subdivisions (a) and (b). Except as
20 provided otherwise in this title, the request by the debtor shall be
21 consistent with the validation requirements contained in Section
22 1692g of Title 15 of the United States Code. A debt buyer shall
23 provide all debtors with whom it has contact ~~with~~ an active postal
24 address ~~and an active e-mail address~~ to which these requests can
25 be sent. A debt buyer may also provide an active email address to
26 which these requests can be sent and ~~from~~ *through* which
27 information and documents can be delivered, if the parties agree.

28 (d) (1) A debt buyer shall include with its first written
29 communication with the debtor in no smaller than 12-point type,
30 a separate prominent notice that provides:

31
32 "You may request records showing the following: (1) that [insert
33 name of debt buyer] has the right to seek collection of the debt;
34 (2) the debt balance, including ~~any additional fees and charges~~ *an*
35 *explanation of any interest charges and additional fees*; (3) the
36 date of default or the date of the last payment; (4) the name of the
37 *charge-off* creditor and the account number associated with the
38 debt; (5) the name and last known address of the debtor as it
39 appeared in the *charge-off* creditor's or debt buyer's records prior
40 to the sale of the debt, as appropriate; *and* (6) the names of all

1 persons or entities that have purchased the debt. You may also
2 request from us a copy of the contract or other document
3 evidencing your agreement to the debt.

4 “A request for these records may be addressed to: [insert debt
5 buyer’s active mailing address *and e-mail address, if applicable*].”
6

7 (2) When collecting on a time-barred debt where the debt is not
8 past the date for obsolescence provided for in Section 605(a) of
9 the *federal* Fair Credit Reporting Act (15 U.S.C. Sec. 1681c):
10

11 “The law limits how long you can be sued on a debt. Because
12 of the age of your debt, we will not sue you for it. If you do not
13 pay the debt, [insert name of debt buyer] may [continue to] report
14 it to the credit reporting agencies as unpaid *for as long as the law*
15 *permits this reporting*.”
16

17 (3) When collecting on a time-barred debt where the debt is
18 past the date for obsolescence provided for in Section 605(a) of
19 the *federal* Fair Credit Reporting Act (15 U.S.C. Sec. 1681c):
20

21 “The law limits how long you can be sued on a debt. Because
22 of the age of your debt, we will not sue you for it, and we will not
23 report it to any credit reporting agency.”
24

25 (e) If a language other than English is principally used by the
26 debt buyer in the initial oral contact with the debtor, ~~a~~ *the* notice
27 *required by subdivision (d)* shall be provided to the debtor in that
28 language within five working days.

29 (f) In the event of a conflict between the requirements of
30 subdivision (d) and federal law, so that it is impracticable to comply
31 with both, the requirements of federal law shall prevail.

32 1788.54. (a) All settlement agreements between a debt buyer
33 and a debtor shall be documented in open court or otherwise
34 reduced to writing. The debt buyer shall ensure that a copy of the
35 written agreement is provided to the debtor.

36 (b) A debt buyer that receives payment on a debt shall provide,
37 within 30 calendar days, a receipt or monthly statement, to the
38 debtor. The receipt or statement shall clearly and conspicuously
39 show the amount and date paid, the name of the entity paid, the
40 current account number, the name of the charge-off creditor, the

1 account number issued by the charge-off creditor, and the
2 remaining balance owing, if any. The receipt or statement may be
3 provided electronically if the parties agree.

4 (c) A debt buyer that accepts a payment as payment in full, or
5 as a full and final compromise of the debt, shall provide, within
6 30 calendar days, a final statement that complies with subdivision
7 (b). A debt buyer shall not sell an interest in a resolved debt, or
8 any personal or financial information related to the resolved debt.

9 1788.56. A debt buyer shall not bring suit or initiate an
10 arbitration or other legal proceeding to collect a consumer debt if
11 the applicable statute of limitations on the debt buyer's claim has
12 expired.

13 1788.58. In an action brought by a debt buyer on a consumer
14 debt:

15 (a) The complaint shall allege all of the following:

16 (1) That the plaintiff is a debt buyer.

17 (2) The nature of the underlying debt and the consumer
18 transaction or transactions from which it is derived, in a short and
19 plain statement.

20 (3) That the debt buyer is the sole owner of the debt at issue, or
21 has authority to assert the rights of all owners of the debt.

22 (4) ~~The debt balance at charge off and an explanation of the~~
23 ~~amount, nature, and reason for all post-charge-off fees and charges,~~
24 ~~imposed by the charge-off creditor or any subsequent purchaser~~
25 ~~of the debt. This paragraph shall not be deemed to require a specific~~
26 ~~itemization of each charge. *The debt balance at charge off and an*~~
27 ~~*explanation of the amount, nature, and reason for all*~~
28 ~~*post-charge-off interest and fees, if any, imposed by the charge-off*~~
29 ~~*creditor or any subsequent purchasers of the debt. This paragraph*~~
30 ~~*shall not be deemed to require a specific itemization, but the*~~
31 ~~*explanation shall identify separately the charge-off balance, the*~~
32 ~~*total of any post-charge-off interest, and the total of any*~~
33 ~~*post-charge-off fees.*~~

34 (5) The date of default or the date of the last payment.

35 (6) The name and an address of the charge-off creditor at the
36 time of charge off, and the charge-off creditor's account number
37 associated with the debt. The charge-off creditor's name and
38 address shall be in sufficient form so as to reasonably identify ~~it~~
39 *the charge-off creditor.*

1 (7) The name and last known address of the debtor as they
2 appeared in the *charge-off* creditor's records prior to the sale of
3 the debt. If the debt was sold prior to January 1, 2014, the debtor's
4 name and last known address as they appeared in the debt owner's
5 records on December 31, 2013, shall be sufficient.

6 (8) The names and addresses of all persons or entities that
7 purchased the debt after charge off, including the plaintiff debt
8 buyer. The names and addresses ~~of these persons or entities~~ shall
9 be in sufficient form so as to reasonably identify ~~them~~ *each such*
10 *purchaser*.

11 (9) That the debt buyer has complied with Section 1788.52.

12 (b) A copy of the contract or other document described in
13 subdivision (b) of Section 1788.52, shall be attached to the
14 complaint.

15 (c) The requirements of this title shall not be deemed to require
16 the disclosure in public records of personal, financial, or medical
17 information, the confidentiality of which is protected by any state
18 or federal law.

19 1788.60. (a) In an action initiated by a debt buyer, no default
20 or other judgment may be entered against a debtor unless business
21 records, authenticated through a sworn declaration, are submitted
22 by the debt buyer to the court to establish the facts required to be
23 alleged by paragraphs (3) to (8), inclusive, of subdivision (a) of
24 Section 1788.58.

25 (b) No default or other judgment may be entered against a debtor
26 unless a copy of the contract or other document described in
27 subdivision (b) of Section 1788.52, authenticated through a sworn
28 declaration, has been submitted by the debt buyer to the court.

29 (c) In any action on a consumer debt, if a debt buyer plaintiff
30 seeks a default judgment and has not complied with the
31 requirements of this title, the court shall not enter a default
32 judgment for the plaintiff and may, in its discretion, dismiss the
33 action.

34 (d) Except as provided in this title, this section is not intended
35 to modify or otherwise amend the procedures established in Section
36 585 of the Code of Civil Procedure.

37 1788.62. (a) ~~A~~ *In the case of an action brought by an*
38 *individual or individuals*, a debt buyer that violates any provision
39 of this title with respect to any person shall be liable to that person
40 in an amount equal to the sum of the following:

1 (1) Any actual damages sustained by that person as a result of
2 the violation, including, but not limited to, the amount of any
3 judgment obtained by the debt buyer as a result of a time-barred
4 suit to collect a debt from that person.

5 (2) Statutory damages in an amount as the court may allow,
6 which shall not be less than one hundred dollars (\$100) nor greater
7 than one thousand dollars (\$1,000) ~~per violation~~.

8 (b) In the case of a class action, a debt buyer that violates any
9 provision of this title shall be liable for any statutory damages for
10 each named plaintiff as provided in paragraph (2) of subdivision
11 (a). If the court finds that the debt buyer engaged in a pattern and
12 practice of violating any provision of this title, the court may award
13 additional damages to the class in an amount not to exceed the
14 lesser of five hundred thousand dollars (\$500,000) or 1 percent of
15 the net worth of the debt buyer.

16 (c) (1) In the case of any successful action to enforce liability
17 under this section, the court shall award costs of the action, together
18 with reasonable attorney's fees as determined by the court.

19 (2) Reasonable attorney's fees may be awarded to a prevailing
20 debt buyer upon a finding by the court that the plaintiff's
21 prosecution of the action was not in good faith.

22 (d) In determining the amount of liability under subdivision (b),
23 the court shall consider, among other relevant factors, the frequency
24 and persistence of noncompliance by the debt buyer, the nature of
25 the noncompliance, the resources of the debt buyer, and the number
26 of persons adversely affected.

27 (e) A debt buyer shall have no civil liability under this section
28 if the debt buyer shows by a preponderance of evidence that the
29 violation was not intentional and resulted from a bona fide error,
30 and occurred notwithstanding the maintenance of procedures
31 reasonably adopted to avoid any error.

32 (f) An action to enforce any liability created by this title shall
33 be brought within one year from the date of the last violation.

34 (g) Recovery in an action brought under the Rosenthal Fair Debt
35 Collection Practices Act (Title 1.6C (commencing with Section
36 ~~1788~~ 1788)) or the federal Fair Debt Collection Practices Act (15
37 U.S.C. Sec. 1692 et seq.) ~~seq.~~) shall preclude recovery for the
38 same acts in an action brought under this title.

39 1788.64. Any waiver of the provisions of this title is contrary
40 to public policy, and is void and unenforceable.

1 SEC. 3. Section 581.5 is added to the Code of Civil Procedure,
2 to read:

3 581.5. In a case involving consumer debt, as defined in Section
4 1788.2 of the Civil Code, and as regulated under Title 1.6C.5
5 (commencing with Section 1788.50) of Part 4 of Division 3 of the
6 Civil Code, if the defendant debtor appears for trial on the
7 scheduled trial date, and the plaintiff debt buyer either fails to
8 appear or is not prepared to proceed to trial, and the court does not
9 find a good cause for continuance, the court may, in its discretion,
10 dismiss the action with or without prejudice. Notwithstanding any
11 other law, in this instance, the court may award the defendant
12 debtor's costs of preparing for trial, including, but not limited to,
13 lost wages and transportation expenses.

14 SEC. 4. Section 700.010 of the Code of Civil Procedure is
15 amended to read:

16 700.010. (a) At the time of levy pursuant to this article or
17 promptly thereafter, the levying officer shall serve a copy of the
18 following on the judgment debtor:

19 (1) The writ of execution.

20 (2) A notice of levy.

21 (3) If the judgment debtor is a natural person, a copy of the form
22 listing exemptions prepared by the Judicial Council pursuant to
23 subdivision (c) of Section 681.030, the list of exemption amounts
24 published pursuant to subdivision (e) of Section 703.150, a copy
25 of the form that the judgment debtor may use to make a claim of
26 exemption pursuant to Section 703.520, and a copy of the form
27 the judgment debtor may use to provide a financial statement
28 pursuant to Section 703.530.

29 (4) Any affidavit of identity, as defined in Section 680.135, for
30 names of the debtor listed on the writ of execution.

31 (b) Service under this section shall be made personally or by
32 mail.

33 SEC. 5. Section 706.103 of the Code of Civil Procedure is
34 amended to read:

35 706.103. (a) The levying officer shall serve upon the
36 designated employer all of the following:

37 (1) The original and one copy of the earnings withholding order.

38 (2) The form for the employer's return.

39 (3) The notice to employee of earnings withholding order.

1 (4) A copy of the form that the judgment debtor may use to
2 make a claim of exemption.

3 (5) A copy of the form the judgment debtor may use to provide
4 a financial statement.

5 (b) At the time the levying officer makes service pursuant to
6 subdivision (a), the levying officer shall provide the employer with
7 a copy of the employer's instructions referred to in Section
8 706.127. The Judicial Council may adopt rules prescribing the
9 circumstances when compliance with this subdivision is not
10 required.

11 (c) No earnings withholding order shall be served upon the
12 employer after the time specified in subdivision (b) of Section
13 699.530.

14 SEC. 6. Section 706.104 of the Code of Civil Procedure is
15 amended to read:

16 706.104. Any employer who is served with an earnings
17 withholding order shall:

18 (a) Deliver to the judgment debtor a copy of the earnings
19 withholding order, the notice to employee of earnings withholding,
20 a copy of the form that the judgment debtor may use to make a
21 claim of exemption, and a copy of the form the judgment debtor
22 may use to provide a financial statement within 10 days from the
23 date of service. If the judgment debtor is no longer employed by
24 the employer and the employer does not owe the employee any
25 earnings, the employer is not required to make such delivery. The
26 employer is not subject to any civil liability for failure to comply
27 with this subdivision. Nothing in this subdivision limits the power
28 of a court to hold the employer in contempt of court for failure to
29 comply with this subdivision.

30 (b) Complete the employer's return on the form provided by
31 the levying officer and mail it by first-class mail, postage prepaid,
32 to the levying officer within 15 days from the date of service. If
33 the earnings withholding order is ineffective, the employer shall
34 state in the employer's return that the order will not be complied
35 with for this reason and shall return the order to the levying officer
36 with the employer's return.

37 SEC. 7. Section 706.108 of the Code of Civil Procedure is
38 amended to read:

39 706.108. (a) If a writ of execution has been issued to the county
40 where the judgment debtor's employer is to be served and the time

1 specified in subdivision (b) of Section 699.530 for levy on property
2 under the writ has not expired, a judgment creditor may deliver
3 an application for issuance of an earnings withholding order to a
4 registered process server who may then issue an earnings
5 withholding order.

6 (b) If the registered process server has issued the earnings
7 withholding order, the registered process server, before serving
8 the earnings withholding order, shall deposit with the levying
9 officer a copy of the writ of execution, the application for issuance
10 of an earnings withholding order, and a copy of the earnings
11 withholding order, and shall pay the fee provided by Section 26750
12 of the Government Code.

13 (c) A registered process server may serve an earnings
14 withholding order on an employer whether the earnings
15 withholding order was issued by a levying officer or by a registered
16 process server, but no earnings withholding order may be served
17 after the time specified in subdivision (b) of Section 699.530. In
18 performing this function, the registered process server shall serve
19 upon the designated employer all of the following:

20 (1) The original and one copy of the earnings withholding order.

21 (2) The form for the employer's return.

22 (3) The notice to the employee of the earnings withholding
23 order.

24 (4) A copy of the form that the judgment debtor may use to
25 make a claim of exemption.

26 (5) A copy of the form the judgment debtor may use to provide
27 a financial statement.

28 (6) A copy of the employer's instructions referred to in Section
29 706.127, except as otherwise prescribed in rules adopted by the
30 Judicial Council.

31 (d) Within five court days after service under this section, all
32 of the following shall be filed with the levying officer:

33 (1) The writ of execution, if it is not already in the hands of the
34 levying officer.

35 (2) Proof of service on the employer of the papers listed in
36 subdivision (c).

37 (3) Instructions in writing, as required by the provisions of
38 Section 687.010.

39 (e) If the fee provided by Section 26750 of the Government
40 Code has been paid, the levying officer shall perform all other

1 duties required by this chapter as if the levying officer had served
2 the earnings withholding order. If the registered process server
3 does not comply with subdivisions (b), where applicable, and (d),
4 the service of the earnings withholding order is ineffective and the
5 levying officer is not required to perform any duties under the
6 order and may terminate the order and may release any withheld
7 earnings to the judgment debtor.

8 (f) The fee for services of a registered process server under this
9 section shall be allowed as a recoverable cost pursuant to Section
10 1033.5.

11 SEC. 8. Section 706.122 of the Code of Civil Procedure is
12 amended to read:

13 706.122. The “notice to employee of earnings withholding
14 order” shall contain a statement that informs the employee in
15 simple terms of the nature of a wage garnishment, the right to an
16 exemption, the procedure for claiming an exemption, and any other
17 information the Judicial Council determines would be useful to
18 the employee and appropriate for inclusion in the notice, including
19 all of the following:

20 (a) The named employer has been ordered to withhold from the
21 earnings of the judgment debtor the amounts required to be
22 withheld under Section 706.050, or such other amounts as are
23 specified in the earnings withholding order, and to pay these
24 amounts over to the levying officer for transmittal to the person
25 specified in the order in payment of the judgment described in the
26 order.

27 (b) The manner of computing the amounts required to be
28 withheld pursuant to Section 706.050.

29 (c) The judgment debtor may be able to keep more or all of the
30 judgment debtor’s earnings if the judgment debtor proves that the
31 additional earnings are necessary for the support of the judgment
32 debtor or the judgment debtor’s family supported in whole or in
33 part by the judgment debtor.

34 (d) If the judgment debtor wishes a court hearing to prove that
35 amounts should not be withheld from the judgment debtor’s
36 earnings because they are necessary for the support of the judgment
37 debtor or the judgment debtor’s family supported in whole or in
38 part by the judgment debtor, the judgment debtor shall file with
39 the levying officer an original and one copy of the “judgment

1 debtor’s claim of exemption” and an original and one copy of the
2 “judgment debtor’s financial statement.”
3 SEC. 9. The provisions of this act are severable. If any
4 provision of this section or its application is held invalid, that
5 invalidity shall not affect other provisions or applications that can
6 be given effect without the invalid provision or application.

O