

Senate Bill 146

By: Senators Cheeks of the 23rd and Cagle of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to
2 garnishment proceedings, so as to provide that the filing of certain answers on behalf of
3 corporate garnissees shall not constitute the practice of law and may be done by corporate
4 officers or employees; to provide that delivery to the court of money or property admitted
5 to be subject to garnishment may likewise be accomplished through a corporate officer or
6 employee; to provide that such garnishment shall cover property acquired by the garnishee
7 from the time of service to the time all debts to the plaintiff are satisfied; to provide for
8 related matters; to provide an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment
13 proceedings, is amended by adding at the end of Article 1, relating to general provisions
14 relative to garnishment proceedings, a new Code Section 18-4-8 to read as follows:

15 "18-4-8.

16 When proceedings are filed under any provision of this chapter involving a corporation as
17 garnishee, the execution and filing of an answer shall not constitute the practice of law and
18 may be done by an officer or employee of the corporation otherwise authorized to act for
19 the corporation. The corporation's payment into court of any money or property or money
20 and property which is admitted to be subject to garnishment likewise shall not constitute
21 the practice of law and may also be done by an authorized officer or employee of the
22 corporation."

SECTION 2.

Said chapter is further amended in Code Section 18-4-66, relating to forms for postjudgment garnishment, by striking from paragraph (4) the language below the signature line in the form for answer of garnishee and inserting in lieu thereof the following:

"Garnishee, garnishee's or his attorney, or officer or agent of a corporate garnishee at law".

SECTION 3.

Said chapter is further amended by striking in its entirety Code Section 18-4-111, relating to property, money, or effects subject to continuing garnishment, and inserting in lieu thereof the following:

"18-4-111.

(a) All debts owed by the garnishee to the defendant at the time of service of summons of continuing garnishment upon the garnishee and all debts accruing from the garnishee to the defendant from such date of service ~~to and including the one hundred seventy-ninth day thereafter until all such debts are fully satisfied~~ shall be subject to process of continuing garnishment; and no payment made by the garnishee to the defendant or to his or her order or by any arrangement between the defendant and the garnishee after the date of the service of the summons of continuing garnishment upon the garnishee shall defeat the lien of such garnishment.

(b) All property, money, or effects of the defendant in the possession or control of the garnishee at the time of service of the summons of continuing garnishment upon the garnishee or coming into the possession or control of the garnishee at any time from the date of such service ~~to and including the one hundred seventy-ninth day thereafter until all such debts are fully satisfied~~ shall be subject to process of continuing garnishment, except in the case of collateral securities in the hands of a creditor. Such securities shall not be subject to continuing garnishment so long as there is an amount owed on the debt for which such securities were given as collateral.

(c) Notwithstanding this Code section, the exemptions from garnishment required or allowed by law, including, but not limited to, exemptions provided by Code Sections 18-4-20 and 18-4-22, shall be applicable to a continuing garnishment."

SECTION 4.

Said chapter is further amended by striking in its entirety subsection (c) of Code Section 18-4-112, relating to filing and contents of affidavit for continuing garnishment, issuance of summons of continuing garnishment generally, and notice and service of summons, and inserting in lieu thereof the following:

1 "(c) The plaintiff, using either forms provided by the court or forms prepared by himself
2 or herself, shall cause forms sufficient for seven answers to a summons of continuing
3 garnishment to be served on the garnishee along with the summons. The garnishee shall
4 be responsible for providing forms for additional answers."

SECTION 5.

6 Said chapter is further amended in Code Section 18-4-118, relating to forms for continuing
7 garnishment, by striking from paragraph (3) the language below the signature line in the form
8 for answer of garnishee and inserting in lieu thereof the following:
9 "Garnishee, garnishee's or his attorney, or officer or agent of a corporate garnishee at law".

SECTION 6.

11 This Act shall become effective upon its approval by the Governor or upon its becoming law
12 without such approval.

SECTION 7.

14 All laws and parts of laws in conflict with this Act are repealed.