

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 34-29 of the Code of Virginia, relating to garnishment.*

3 [H 1714]

4 Approved

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6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 34-29 of the Code of Virginia is amended and reenacted as follows:**

8 § 34-29. Maximum portion of disposable earnings subject to garnishment.

9 (a) Except as provided in subsections (b) and (b1), the maximum part of the aggregate disposable  
10 earnings of an individual for any workweek which is subjected to garnishment may not exceed the lesser  
11 of the following amounts:

12 (1) Twenty-five percent of his disposable earnings for that week, or

13 (2) The amount by which his disposable earnings for that week exceed ~~thirty~~ 40 times the federal  
14 minimum hourly wage prescribed by § 206 (a) (1) of Title 29 of the United States Code in effect at the  
15 time earnings are payable.16 In the case of earnings for any pay period other than a week, the State Commissioner of Labor and  
17 Industry shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in  
18 effect to that set forth in this section.

19 (b) The restrictions of subsection (a) do not apply in the case of:

20 (1) Any order for the support of any person issued by a court of competent jurisdiction or in  
21 accordance with an administrative procedure, which is established by state law, which affords substantial  
22 due process, and which is subject to judicial review.

23 (2) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act.

24 (3) Any debt due for any state or federal tax.

25 (b1) The maximum part of the aggregate disposable earnings of an individual for any workweek  
26 which is subject to garnishment to enforce any order for the support of any person shall not exceed:

27 (1) Sixty percent of such individual's disposable earnings for that week; or

28 (2) If such individual is supporting a spouse or dependent child other than the spouse or child with  
29 respect to whose support such order was issued, ~~fifty~~ 50 percent of such individual's disposable earnings  
30 for that week.31 The ~~fifty~~ 50 percent specified in subdivision (b1) (2) shall be ~~fifty-five~~ 55 percent and the ~~sixty~~ 60  
32 percent specified in subdivision (b1) (1) shall be ~~sixty-five~~ 65 percent if and to the extent that such  
33 earnings are subject to garnishment to enforce an order for support for a period which is more than  
34 ~~twelve~~ 12 weeks prior to the beginning of such workweek.35 (c) No court of the Commonwealth and no state agency or officer may make, execute, or enforce any  
36 order or process in violation of this section.37 The exemptions allowed herein shall be granted to any person so entitled without any further  
38 proceedings.

39 (d) For the purposes of this section:

40 (1) The term "earnings" means compensation paid or payable for personal services, whether  
41 denominated as wages, salary, commission, bonus, payments to an independent contractor, or otherwise,  
42 whether paid directly to the individual or deposited with another entity or person on behalf of and  
43 traceable to the individual, and includes periodic payments pursuant to a pension or retirement program,44 (2) The term "disposable earnings" means that part of the earnings of any individual remaining after  
45 the deduction from those earnings of any amounts required by law to be withheld, and46 (3) The term "garnishment" means any legal or equitable procedure through which the earnings of  
47 any individual are required to be withheld for payment of any debt.48 (e) Every assignment, sale, transfer, pledge or mortgage of the wages or salary of an individual  
49 which is exempted by this section, to the extent of the exemption provided by this section, shall be void  
50 and unenforceable by any process of law.51 (f) No employer may discharge any employee by reason of the fact that his earnings have been  
52 subjected to garnishment for any one indebtedness.53 (g) A depository wherein earnings have been deposited on behalf of and traceable to an individual  
54 shall not be required to determine the portion of such earnings which are subject to garnishment.