

CHAPTER 143.

[Substitute Senate Bill No. 18.]

GARNISHMENT IN JUSTICE COURT.

AN ACT relating to garnishment in justice courts; amending section 1, chapter 160, Laws of 1909, as amended by section 1, chapter 126, Laws of 1911, and RCW 12.32.010; amending section 2, chapter 160, Laws of 1909, as last amended by section 1, chapter 109, Laws of 1913, and RCW 12.32.020; amending section 3, chapter 160, Laws of 1909, as amended by section 3, chapter 126, Laws of 1911, and RCW 12.32.030; amending section 4, chapter 160, Laws of 1909, as amended by section 4, chapter 126, Laws of 1911 and RCW 12.32.040; amending section 5, chapter 160, Laws of 1909 and RCW 12.32.050; amending section 6, chapter 160, Laws of 1909, as last amended by section 1, chapter 218, Laws of 1961, and RCW 12.32.060; amending section 7, chapter 160, Laws of 1909 and RCW 12.32.070; amending section 8, chapter 160, Laws of 1909 and RCW 12.32.080; amending section 10, chapter 160, Laws of 1909 and RCW 12.32.100; amending section 11, chapter 160, Laws of 1909 and RCW 12.32.110; amending section 17, chapter 160, Laws of 1909 and RCW 12.32.170; amending section 22, chapter 160, Laws of 1909 and RCW 12.32.220; adding new sections to chapter 160, Laws of 1909 and to chapter 12.32 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 160, Laws of 1909 as amended by section 1, chapter 126, Laws of 1911, and RCW 12.32.010 are each amended to read as follows:

RCW 12.32.010
amended.

The justices of the peace in this state may issue writs of garnishment, returnable to their respective courts, where the plaintiff sues for a debt which is just, due and unpaid; or where the plaintiff has a judgment wholly or partially unsatisfied in the court from which he seeks to have the writ of garnishment issued.

Garnishment,
justice court.
Justices may
issue writs of
garnishment.

Sec. 2. Section 2, chapter 160, Laws of 1909, as last amended by section 1, chapter 109, Laws of 1913, and RCW 12.32.020 are each amended to read as follows:

RCW 12.32.020
amended.

Garnishment,
justice court—
Application for
writ—Affidavit
—Contents.

Before the issuance of the writ of garnishment, the plaintiff, or someone in his behalf, shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ and that he has reason to believe and does believe that the garnishee is indebted to the defendant, or has in his possession or under his control personal property or effects belonging to the defendant, or is a corporation and that the defendant is the owner of shares thereof, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee.

RCW 12.32.030
amended.

Sec. 3. Section 3, chapter 160, Laws of 1909, as amended by section 3, chapter 126, Laws of 1911, and RCW 12.32.030 are each amended to read as follows:

Issuance of
writ—
Contents.

When the foregoing requisites have been complied with, the justice of the peace shall, without additional fee, docket the case in the name of the plaintiff, as plaintiff, and of the garnishee as defendant, and shall immediately issue a writ of garnishment, in such form as provided in section 4 of this 1967 amendatory act, directed to the garnishee. The writ shall state a time for answer, which shall not be less than six nor more than twenty days from the date of the issuance of the writ. The writ of garnishment shall be served at least five days before the time for answer mentioned therein, and such service shall be deemed invalid unless there is served therewith four answer forms as provided in section 9 of this 1967 amendatory act together with stamped envelopes addressed respectively to the justice of peace issuing the writ, the attorney for the plaintiff (or the plaintiff if he has no attorney), and the defendant.

RCW 12.32.040
amended.

Sec. 4. Section 4, chapter 160, Laws of 1909, as amended by section 4, chapter 126, Laws of 1911,

and RCW 12.32.040 are each amended to read as follows:

Said writ shall be substantially in the following form:

Garnishment,
justice court—
Form of writ.

(Heading Optional)

IN THE JUSTICE COURT, DISTRICT NO.
. COUNTY, WASHINGTON
IN THE JUSTICE COURT, PRECINCT,
. COUNTY, WASHINGTON
BEFORE. JUSTICE OF THE PEACE

. ,

Plaintiff

vs.

No.

.

WRIT OF

Defendant

GARNISHMENT

.

Garnishee

THE STATE OF WASHINGTON TO:

Garnishee

AND TO:

Defendant.

The above-named plaintiff claims that the above-named defendant is indebted to plaintiff in the amount of \$., besides interest of \$., and estimated costs of suit of \$. (which may be more) and has applied for a writ of garnishment against you.

You are hereby commanded to answer this writ by filling in the attached form according to the instructions thereon; and you must mail or deliver the original of such answer to the court, one copy to the plaintiff or his attorney, and one copy to the defendant on or before the day of, 19. . . .

Unless directed by the court, do not pay any debt, including wages or any other debt, owed the defendant when this writ was served, or deliver, sell or transfer, or recognize any sale or transfer of, any

Garnishment,
justice court—
Form of writ.

personal property or effects of the defendant, including certificates of corporate shares, in your possession or control when this writ was served; any such payment, delivery, sale or transfer is void as to so much of the debt, property or shares as are necessary to satisfy plaintiff's claim and costs for this writ with interest.

WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR DEFENDANT'S CLAIMED DEBT TO PLAINTIFF.

NOTICE TO DEFENDANT: IF THE GARNISHEE IS A CORPORATION, AND IF YOU ARE THE OWNER OF ANY SHARES IN SUCH CORPORATION, YOU ARE HEREBY ORDERED NOT TO SELL, ASSIGN, TRANSFER, SECRETE, PLEDGE OR ENCUMBER SUCH SHARES UNLESS ALLOWED BY THE COURT. IF YOU FAIL TO COMPLY WITH THIS ORDER YOU MAY BE PUNISHED FOR CONTEMPT.

Dated this day of, 19...

.....
Attorney for Plaintiff (or Plaintiff, if no attorney)	Justice of the Peace

.....
Address	Address

RCW 12.32.050 amended.

Sec. 5. Section 5, chapter 160, Laws of 1909 and RCW 12.32.050 are each amended to read as follows:

Delivery of the writ.

The writ of garnishment shall be dated and signed by the justice of peace, and the name and office address of the attorney for the plaintiff shall be indorsed thereon, or in case the plaintiff has no attorney, then the name and address of the plaintiff shall be indorsed thereon. The writ, when so issued and indorsed, shall be delivered, together with four answer forms as provided in section 9 of this amen-

datory act, by the justice of the peace who issues it to the party applying therefor, or to his attorney.

Sec. 6. Section 6, chapter 160, Laws of 1909 as last amended by section 1, chapter 218, Laws of 1961, and RCW 12.32.060 are each amended to read as follows:

RCW 12.32.060 amended.

Service of the writ of garnishment is invalid unless there is served therewith four answer forms as provided in section 9 of this 1967 amendatory act together with stamped envelopes addressed respectively to the justice of the peace issuing the writ, the attorney for the plaintiff (or to the plaintiff if he has no attorney), and the defendant. The writ of garnishment may be served by the sheriff of the county in which the garnishee lives, or it may be served by any citizen of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued, in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a bank or banking association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager, or any other officer or cashier or assistant cashier of such bank or banking association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. And in case such writ is served by an officer, such officer shall make his return thereon, showing the time, place and manner of service and that the writ was accompanied by four answer forms and addressed envelopes as required by this section and noting thereon his fees for making such service, and shall sign his name to such return. In case such service is made by any person other than an officer, such per-

Service of the writ—Answer forms attached.

Service of the writ—Answer forms attached.

son shall attach to the original writ his affidavit showing his qualifications to make such service, and that the writ was accompanied by four answer forms and three addressed envelopes, and the time, place and manner of making service and shall endorse thereon the legal fees therefor. The fee allowed for serving the garnishment writ, the four answer forms and the three addressed envelopes shall be the same as for the service of a single instrument.

RCW 12.32.070 amended.

Sec. 7. Section 7, chapter 160, Laws of 1909 and RCW 12.32.070 are each amended to read as follows:

Requirement when writ is served on bank.

In cases where the writ of garnishment issued under the provisions of this chapter is directed to a corporation carrying on a general banking business in the state of Washington, the plaintiff, in addition to serving the writ of garnishment and accompanying answer forms and addressed envelopes upon said garnishee, shall at the same time and as a part of said service deliver to said garnishee a statement in writing signed by the plaintiff or his attorney, stating the place of residence of the defendant and his business, occupation, trade or profession, and unless such statement is so delivered with said writ of garnishment, the service of said writ shall not be deemed complete and the garnishee shall not be held liable thereon.

RCW 12.32.080 amended.

Sec. 8. Section 8, chapter 160, Laws of 1909 and RCW 12.32.080 are each amended to read as follows:

Effect of service of the writ.

From and after the service of such writ of garnishment, it shall not be lawful, except as directed by the court, for the garnishee to pay any debt owing to the defendant at the time of such service, or to deliver, sell or transfer, or recognize any sale or transfer of, any personal property or effects belonging to the defendant, including certificates of corporate shares, in the garnishee's possession or

under his control at the time of such service; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, personal property or effects or shares as may be necessary to satisfy the plaintiff's demand.

Sec. 9. Section 10, chapter 160, Laws of 1909 and RCW 12.32.100 are each amended to read as follows: amended.

The answer of the garnishee shall be signed by him, under penalty of perjury, and the original delivered, either personally or by mail, to the justice of the peace who issued said writ, one copy to the plaintiff or his attorney, and one copy to the defendant. The answer shall be made on forms, served on the garnishee with the writ, as follows: Garnishment, justice court— Answer of garnishee— Contents— Forms.

(Heading Optional)

IN THE JUSTICE COURT, DISTRICT NO.
. COUNTY, WASHINGTON
IN THE JUSTICE COURT, PRECINCT,
. COUNTY, WASHINGTON
BEFORE JUSTICE OF THE PEACE
.
Plaintiff
vs. NO.
. ANSWER TO
Defendant WRIT OF
. GARNISHMENT
Garnishee

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$. On the reverse side of this answer form, or on a schedule attached hereto, give the following information: (1) An explanation of the dollar amount stated, or reasons why there is uncertainty about your answer, if deemed necessary; (2) list all of the personal property or effects of defendant in the garnishee's possession or control when the writ was

Garnishment,
justice court—
Answer of
garnishee—
Contents—
Forms.

served; (3) if the garnishee is a corporation in which the defendant is the owner of shares, list the number of shares owned by the defendant and the number of such shares in the garnishee's possession when the writ was served. An attorney may answer for the garnishee.

Under penalties of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

.....
Signature of garnishee	Date
.....
Signature of person an- swering for garnishee	Connection with garnishee

RCW 12.32.110
amended.

Sec. 10. Section 11, chapter 160, Laws of 1909 and RCW 12.32.110 are each amended to read as follows:

Discharge of
garnishee.

Should it appear from the answer of the garnishee that he was not indebted to the defendant when the writ of garnishment was served upon him and that he had not in his possession or under his control any personal property or effects of the defendant, including certificates of corporate shares, when the writ was served, and should the answer of the garnishee not be controverted as hereinafter provided, the court shall enter judgment discharging the garnishee.

RCW 12.32.170
amended.

Sec. 11. Section 17, chapter 160, Laws of 1909 and RCW 12.32.170 are each amended to read as follows:

Where the garnishee is a corporation and it appears by the answer or otherwise that the garnishee was, when the writ of garnishment was served upon it, in control or possession of any certificates of corporate shares in such corporation owned by the defendant, the court shall render a decree ordering

the sale under execution in favor of the plaintiff against the defendant of such shares of the defendant, or so much thereof as may be necessary to satisfy such execution.

Shares of
corporate gar-
nishee—Sale—
Discovery
procedure—
Disposition of
shares.

The plaintiff, in addition to any other remedies or discovery procedures available to him, may serve on the defendant written interrogatories to be answered in writing and under oath within ten days of service. The interrogatories allowed by this section may relate only to the interest of the defendant in the garnishee corporation at the time a copy of the writ of garnishment was served on him including the location of certificates or other evidence of ownership of corporate shares in the garnishee corporation, and whether or not such shares are pledged or encumbered. When it appears that the defendant was in possession or control of any certificates or other evidence of ownership of corporate shares of the garnishee the court shall render a decree requiring the defendant to deliver up to the justice on demand such evidence of ownership. In cases where a judgment has been rendered in the principal action in favor of the plaintiff such certificates or other evidence of ownership of corporate shares of the garnishee may be sold or transferred in like manner as shares in possession or control of the garnishee are sold or transferred upon a sale under execution. In cases where judgment has not been rendered in the principal action, the justice shall retain such certificates or other evidence of ownership in the garnishee in his possession until the rendition of the judgment therein, and in case judgment is entered in such principal action in favor of the plaintiff, said shares may be sold or transferred in like manner as shares in possession or control of the garnishee are sold or transferred upon a sale under execution. In case judgment shall be rendered in such action against the plaintiff and in

favor of the defendant, said shares shall be by the justice returned to the defendant.

RCW 12.32.220 amended.

Sec. 12. Section 22, chapter 160, Laws of 1909 and RCW 12.32.220 are each amended to read as follows:

Garnishment, justice court—Garnishee protected against claims of defendant.

It shall be a sufficient answer against any claim of the defendant against the garnishee founded on any indebtedness of such garnishee or upon the possession by him of any personal property or effects, including certificates of corporate shares, for the garnishee to show that such indebtedness was paid or such effects delivered, or such shares of stock were sold under judgment of the court in accordance with the provisions of this chapter.

New section.

Sec. 13. There is added to chapter 160, Laws of 1909 and to chapter 12.32 RCW a new section to read as follows:

Violations of defendant as to shares of corporate garnishee—Contempt.

If a writ of garnishment has been served, and if the garnishee is a corporation, and if the defendant has been served with a copy of the Writ of Garnishment, in the same manner in which a summons in an action is served, and after such service the defendant sells, assigns, transfers, secretes, pledges or encumbers any shares he might own in the garnishee corporation, unless allowed by the court, or if the defendant fails or refuses to deliver up to the justice such shares after having been ordered to do so by the court, or if he fails or refuses to answer interrogatories propounded to him as provided in this chapter, he may be adjudged in contempt and punished accordingly.

New section.

Sec. 14. There is added to chapter 160, Laws of 1909 and to chapter 12.32 RCW a new section to read as follows:

Answer of garnishee.

The signature of the garnishee, or of the person answering for the garnishee, on the form as provided in section 9 of this 1967 amendatory act shall

constitute a mode authorized by this section of at-testing the truth of the statement preceding the sig-nature.

Sec. 15. If any provision of this 1967 amendatory Severability. act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amenda-tory act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 144.

[Senate Bill No. 11.]

MOTOR VEHICLES—STOP AND DISPLAY DRIVERS LICENSE—DEFECTIVE EQUIPMENT.

AN ACT relating to motor vehicles; empowering officers of the Washington state patrol to require motor vehicle drivers to stop and display their drivers' licenses and/or submit their motor vehicles to inspections and tests; adding a new section to chapter 12, Laws of 1961 and to chapter 46.64 RCW; and declaring an emergency.

*Be it enacted by the Legislature of the State of
Washington:*

Section 1. The purpose of this 1967 act is to pro-
vide for the exercise of the police power of this state
to protect the health and safety of its citizens by
assuring that only qualified drivers and vehicles
which meet minimum equipment standards shall
operate upon the highways of this state.

Motor vehicles
—Spot checks
for drivers'
licenses and
vehicle inspec-
tion. Purpose.

Sec. 2. There is added to chapter 12, Laws of New section.
1961 and to chapter 46.64 RCW a new section to
read as follows:

To carry out the purpose of this 1967 act, officers
of the Washington state patrol are hereby empow-