

**ASSEMBLY BILL**

**No. 233**

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**Introduced by Assembly Member Wieckowski**

February 5, 2013

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An act to add Section 706.035 to the Code of Civil Procedure, relating to wage garnishment.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as introduced, Wieckowski. Wage garnishment: exempt earnings.

The Wage Garnishment Law prescribes the procedure for withholding an employee's earnings for purposes of paying a debt. The law requires that a levy of execution upon the earnings of an employee be made by service of an earnings withholding order upon the employer. An earnings withholding order is issued by a levying officer upon receiving an application submitted by a judgment creditor, as specified. An employer is required, except as otherwise provided by statute, to withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the employee which ends during the withholding period.

This bill would prohibit the issuance of an earnings withholding order for purposes of collecting debt on a student loan that is not made, insured, or guaranteed by the United State Government pursuant to the Federal Family Education Loan Program or the William D. Ford Federal Direct Loan Program.

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. Section 706.035 is added to the Code of Civil  
2     Procedure, to read:  
3     706.035. An earnings withholding order shall not be issued  
4     pursuant to this chapter for purposes of collecting debt on a student  
5     loan that is not made, insured, or guaranteed by the United State  
6     Government pursuant to the Federal Family Education Loan  
7     Program (20 U.S.C. Sec. 1071 et seq.) or the William D. Ford  
8     Federal Direct Loan Program (34 C.F.R. 685.100).

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