

HOUSE BILL No. 2942

By Representative Watkins

2-14

9 AN ACT concerning civil procedure; relating to garnishment; amending
10 K.S.A. 60-741 and 61-3515 and repealing the existing sections.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 60-741 is hereby amended to read as follows: 60-
14 741. If the garnishee fails to answer within the time and manner specified
15 in the order of garnishment, the judgment creditor may file a motion and
16 shall send a copy of the motion to the garnishee and the judgment debtor
17 in the manner allowed under K.S.A. 60-205, and amendments thereto.
18 At the hearing on the motion, the court may grant judgment against the
19 garnishee for the amount of the judgment creditor's judgment or claim
20 against the judgment debtor or for such other amount as the court deems
21 reasonable and proper, and for the expenses and attorney fees of the
22 judgment creditor *only if the garnishee was served the order of garnish-*
23 *ment pursuant to K.S.A. 60-734, and amendments thereto, by personal*
24 *service or service by return receipt delivery.* If the claim of the plaintiff
25 has not been reduced to judgment, the liability of the garnishee shall be
26 limited to the judgment ultimately rendered against the judgment debtor.

27 Sec. 2. K.S.A. 61-3515 is hereby amended to read as follows: 61-
28 3515. If after the time the garnishee is to make payment of funds or
29 property held under a garnishment, the garnishee fails or refuses to pay
30 or deliver property to the judgment creditor, the judgment creditor may
31 file a motion and shall send a copy of the motion to the garnishee and
32 the judgment debtor in the manner allowed under K.S.A. 61-2907, and
33 amendments thereto. At the hearing on the motion, the court may find
34 the garnishee in contempt and punish the garnishee by a fine or may
35 enter judgment against the garnishee for such amount as the court deems
36 reasonable and proper, including the expenses and attorney fees of the
37 judgment creditor *only if the garnishee was served the order of garnish-*
38 *ment pursuant to 61-3507, and amendments thereto, by personal service*
39 *or service by return receipt delivery.*

40 Sec. 3. K.S.A. 60-741 and 61-3515 are hereby repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.