

ASSEMBLY BILL NO. 77—COMMITTEE ON JUDICIARY

(ON BEHALF OF CONTROLLER)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Requires that defendant be identified in writ of garnishment by social security number or tax identification number. (BDR 3-663)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to writs of garnishment; requiring that a defendant be identified in a writ of garnishment by his social security number or a tax identification number; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 31.260 is hereby amended to read as follows:
- 2 31.260 1. The writ of garnishment must:
- 3 (a) Be issued by the sheriff.
- 4 (b) Contain the name of the court and the names of the parties.
- 5 (c) ***Contain the social security number or the tax identification***
- 6 ***number of the defendant.***
- 7 (d) Be directed to the garnishee defendant.
- 8 ~~(d)~~ (e) State the name and address of the plaintiff's attorney, if any,
- 9 otherwise the plaintiff's address.
- 10 ~~(e)~~ (f) Summon each person the court directs, as garnishees, to appear
- 11 before the court in which the action is pending by filing an answer to the
- 12 interrogatories within 20 days after service of the writ upon him.

1 2. The writ of garnishment must also notify the garnishee defendant
2 that, if he fails to answer the interrogatories, a judgment by default will be
3 rendered against him for the amount demanded in the writ of garnishment,
4 or the value of the property described in the writ as the case may be, which
5 amount or property must be clearly set forth in the writ of garnishment.
6 3. Execution on the writ of garnishment may occur only if the sheriff
7 mails a copy of the writ with a copy of the notice of execution to the
8 defendant in the manner and within the time prescribed in NRS 21.076. In
9 the case of a writ of garnishment that continues for 120 days or until the
10 amount demanded in the writ is satisfied, a copy of the writ and the notice
11 of execution need only be mailed once to the defendant.
12 **Sec. 2.** This act becomes effective on July 1, 1999.

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