

# Senate Study Bill 3002

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO=CHAIRPERSONS KREIMAN  
AND MILLER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to exemptions for certain personal property from  
2 execution by creditors in state court debt collection and  
3 federal bankruptcy actions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5205SC 81  
6 rh/je/5

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1 1 Section 1. Section 627.6, subsections 1, 5, 9, and 13,  
1 2 Code 2005, are amended to read as follows:  
1 3 1. ~~All wearing apparel of the debtor and the debtor's~~  
1 4 ~~dependents kept for actual use and the trunks or other~~  
1 5 ~~receptacles necessary for the wearing apparel, not to exceed~~  
1 6 ~~in value one thousand dollars in the aggregate. In addition,~~  
1 7 ~~the The debtor's interest in:~~  
1 8 ~~a. any Any wedding or engagement ring owned and or~~  
1 9 ~~received by the debtor or the debtor's dependents on or before~~  
1 10 ~~the date of marriage. In addition, any interest in one or~~  
1 11 ~~more wedding or engagement rings owned or received by the~~  
1 12 ~~debtor and the debtor's dependents after the date of marriage~~  
1 13 ~~but within two years of the date of execution is issued or an~~  
1 14 ~~exemption is claimed, not to exceed a value equal to seven~~  
1 15 ~~thousand dollars in the aggregate minus the amount claimed by~~  
1 16 ~~the debtor and the debtor's dependents for any other jewelry~~  
1 17 ~~claimed in paragraph "b".~~  
1 18 ~~b. All jewelry of the debtor and the debtor's dependents~~  
1 19 ~~owned or received by the debtor and the debtor's dependents,~~  
1 20 ~~not to exceed in value two thousand dollars in the aggregate.~~  
1 21 5. ~~The debtor's interest in all wearing apparel of the~~  
1 22 ~~debtor and the debtor's dependents kept for actual use and the~~  
1 23 ~~trunks or other receptacles necessary for the wearing apparel,~~  
1 24 ~~musical instruments, household furnishings, and household~~  
1 25 ~~goods and which include, but are not limited to, appliances,~~  
1 26 ~~radios, television sets, record or tape playing machines,~~  
1 27 ~~compact disc players, satellite dishes, cable television~~  
1 28 ~~equipment, computers, software, printers, digital video disc~~  
1 29 ~~players, video players, and cameras held primarily for the~~  
1 30 ~~personal, family, or household use of the debtor or a~~  
1 31 ~~dependent of the debtor and the debtor's dependents, not to~~  
1 32 ~~exceed in value two seven thousand dollars in the aggregate.~~  
1 33 9. ~~Any combination of the following, not to exceed a value~~  
1 34 ~~of five thousand dollars in the aggregate The debtor's~~  
1 35 ~~interest in the following:~~  
2 1 ~~a. Musical instruments, not including radios, television~~  
2 2 ~~sets, or record or tape playing machines, held primarily for~~  
2 3 ~~the personal, family, or household use of the debtor or a~~  
2 4 ~~dependent of the debtor.~~  
2 5 ~~b. One motor vehicle, not to exceed in value five thousand~~  
2 6 ~~dollars in the aggregate.~~  
2 7 ~~c. b. In the event of a bankruptcy proceeding, the~~  
2 8 ~~debtor's interest in accrued wages and in state and federal~~  
2 9 ~~tax refunds as of the date of filing of the petition in~~  
2 10 ~~bankruptcy, not to exceed one thousand dollars in the~~  
2 11 ~~aggregate. This exemption is in addition to the limitations~~  
2 12 ~~contained in sections 642.21 and 537.5105.~~  
2 13 13. ~~The debtor's interest, not to exceed one hundred~~  
2 14 ~~thousand dollars in the aggregate, in any cash on hand, bank~~

2 15 deposits, credit union share drafts, or other deposits,  
2 16 wherever situated, or other personal property not otherwise  
2 17 specifically provided for in this chapter.  
2 18 Sec. 2. Section 627.6, Code 2005, is amended by adding the  
2 19 following new subsection:  
2 20 NEW SUBSECTION. 15. The debtor's interest in the  
2 21 following payments reasonably necessary for the support of the  
2 22 debtor or the debtor's dependents:  
2 23 a. Payments to or for the benefit of the debtor or the  
2 24 debtor's dependents resulting from the wrongful death of a  
2 25 decedent upon which the debtor or the debtor's dependents were  
2 26 dependent.  
2 27 b. Payments compensating the debtor or the debtor's  
2 28 dependents for injuries to the debtor or the debtor's  
2 29 dependents. Such payments shall not include payments for pain  
2 30 and suffering, compensation of actual pecuniary loss, lost  
2 31 wages, psychological or emotional distress, sexual harassment,  
2 32 and employment discrimination.

2 33 EXPLANATION

2 34 This bill relates to exemptions for certain personal  
2 35 property from execution by creditors in state court debt  
3 1 collection and federal bankruptcy actions.  
3 2 The bill provides that any exempt wedding or engagement  
3 3 rings owned or received by a debtor and a debtor's dependents  
3 4 after marriage but within two years of the date execution is  
3 5 issued by a creditor or an exemption is claimed by the debtor  
3 6 and the debtor's dependents shall not exceed a value of \$7,000  
3 7 in the aggregate minus up to \$2,000 for any other jewelry  
3 8 claimed by the debtor and the debtor's dependents. The  
3 9 current unlimited exemption for any wedding or engagement ring  
3 10 owned or received by a debtor and a debtor's dependents prior  
3 11 to or on the date of marriage remains intact.  
3 12 The bill specifies that the debtor and the debtor's  
3 13 dependents' interest in wearing apparel and household goods,  
3 14 including but not limited to radios, television sets, record  
3 15 or tape playing machines, compact disc players, satellite  
3 16 dishes, cable television equipment, computers, software,  
3 17 printers, digital video disc players, video players, and  
3 18 cameras held primarily for personal, family, and household use  
3 19 of the debtor and the debtor's dependents shall not exceed  
3 20 \$7,000 in the aggregate. Current law separately limits the  
3 21 wearing apparel exemption to \$1,000 and household goods  
3 22 exemption to \$2,000.  
3 23 The bill allows a debtor to claim an exemption on a motor  
3 24 vehicle not to exceed a value of \$5,000 in the aggregate.  
3 25 Current law places no limitation on such an exemption.  
3 26 The bill increases the amount of the debtor's interest in  
3 27 any cash on hand, bank deposits, credit union share drafts, or  
3 28 other deposits or other personal property from \$100 to \$1,000.  
3 29 The bill creates a new exemption relating to a debtor's  
3 30 interest in support payments to include payments to or for the  
3 31 benefit of the debtor and the debtor's dependents resulting  
3 32 from the wrongful death of a decedent upon which the debtor  
3 33 and the debtor's dependents were dependent and payments  
3 34 compensating the debtor and the debtor's dependents for  
3 35 injuries to the debtor and the debtor's dependents, other than  
4 1 for pain and suffering, compensation of actual pecuniary loss,  
4 2 lost wages, psychological or emotional distress, sexual  
4 3 harassment, and employment discrimination.  
4 4 LSB 5205SC 81  
4 5 rh:rj/je/5