

**House Study Bill 566 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOLT)

**A BILL FOR**

1 An Act relating to garnishment proceedings and service of a  
2 garnishee.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 642.2, subsection 5, Code 2020, is  
2 amended to read as follows:

3 5. Except as provided in **subsection 1**, service upon the  
4 garnishee shall be made by serving an original notice with a  
5 copy of the judgment against the defendant, and with a copy of  
6 the questions specified in **section 642.5**, ~~by certified mail~~  
7 ~~or~~ by personal service by the sheriff of the county where  
8 the judgment was entered upon the attorney general, county  
9 attorney, city attorney, secretary of the school district,  
10 or legal counsel of the appropriate governmental unit. The  
11 garnishee shall be required to answer within thirty days  
12 following receipt of the notice.

13 Sec. 2. Section 642.12, Code 2020, is amended to read as  
14 follows:

15 **642.12 Notice of controverting pleadings.**

16 No judgment shall be rendered against a garnishee on a  
17 pleading which controverts the garnishee's answer until notice  
18 of the filing of the controverting pleading and of the time and  
19 place of trial thereon is personally served on the garnishee  
20 ~~for such time and in such manner as the court or judge shall~~  
21 ~~order~~ by the sheriff of the county in which the proceeding  
22 will be held. A garnishee who has been so notified shall not  
23 be entitled to notice of the filing of amendments or of trial  
24 thereon.

25 Sec. 3. Section 642.14, Code 2020, is amended to read as  
26 follows:

27 **642.14 Notice of garnishment proceedings.**

28 Judgment against the garnishee shall not be entered unless  
29 the garnishee received personal service by the county sheriff  
30 for all required notices under this chapter, excepted as  
31 provided in section 642.2, subsection 1, and until notice as  
32 required by **section 642.14A** or **642.14B** has been served upon the  
33 defendant in the main action.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill relates to garnishment proceedings and service of  
3 a garnishee.

4       The bill requires that service upon a garnishee shall be  
5 made by the sheriff of the county where the judgment was  
6 entered by personally serving an original notice with a copy  
7 of the judgment against the defendant, and with a copy of the  
8 questions specified in Code section 642.5.

9       The bill provides that no judgment shall be rendered against  
10 a garnishee on a pleading which controverts the garnishee's  
11 answer until notice of the filing of the controverting pleading  
12 and of the time and place of trial thereon is personally served  
13 on the garnishee by the sheriff of the county in which the  
14 proceeding will be held.

15       The bill provides that judgment against a garnishee shall  
16 not be entered unless the garnishee received personal service  
17 by the county sheriff for all required notices under Code  
18 chapter 642.