

Senate File 2301 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3002)

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 5205SV 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. However, any interest acquired in one~~
~~1 11 or more wedding or engagement rings owned or received by the~~
~~1 12 debtor or the debtor's dependents after the date of marriage~~
~~1 13 and within two years of the date the execution is issued or an~~
~~1 14 exemption is claimed shall not exceed a value equal to seven~~
~~1 15 thousand dollars in the aggregate minus the amount claimed by~~
~~1 16 the debtor for any other jewelry claimed in paragraph "b".~~
1 17 b. All jewelry of the debtor and the debtor's dependents
1 18 owned or received by the debtor or the debtor's dependents,
1 19 not to exceed in value two thousand dollars in the aggregate.
1 20 5. The debtor's interest in ~~all wearing apparel of the~~
1 21 ~~debtor and the debtor's dependents kept for actual use and the~~
1 22 ~~trunks or other receptacles necessary for the wearing apparel,~~
1 23 ~~musical instruments, household furnishings, and household~~
1 24 ~~goods and which include, but are not limited to, appliances,~~
1 25 ~~radios, television sets, record or tape playing machines,~~
1 26 ~~compact disc players, satellite dishes, cable television~~
1 27 ~~equipment, computers, software, printers, digital video disc~~
1 28 ~~players, video players, and cameras held primarily for the~~
1 29 ~~personal, family, or household use of the debtor or a~~
~~1 30 dependent of the debtor and the debtor's dependents, not to~~
1 31 exceed in value ~~two~~ seven thousand dollars in the aggregate.
1 32 9. Any combination of the following, not to exceed a value
~~1 33 of five thousand dollars in the aggregate~~ The debtor's
1 34 interest in the following:
1 35 a. ~~Musical instruments, not including radios, television~~
~~2 1 sets, or record or tape playing machines, held primarily for~~
2 2 ~~the personal, family, or household use of the debtor or a~~
~~2 3 dependent of the debtor.~~
2 4 b. ~~One motor vehicle, not to exceed in value seven~~
2 5 ~~thousand dollars in the aggregate.~~
2 6 c. ~~b.~~ In the event of a bankruptcy proceeding, the
2 7 debtor's interest in accrued wages and in state and federal
2 8 tax refunds as of the date of filing of the petition in
2 9 bankruptcy, not to exceed one thousand dollars in the
2 10 aggregate. This exemption is in addition to the limitations
2 11 contained in sections 642.21 and 537.5105.
2 12 13. The debtor's interest, not to exceed one ~~hundred~~
2 13 ~~thousand~~ dollars in the aggregate, in any cash on hand, bank
2 14 deposits, credit union share drafts, or other deposits,
2 15 wherever situated, or other personal property not otherwise
2 16 specifically provided for in this chapter.
2 17 Sec. 2. Section 627.6, Code 2005, is amended by adding the

2 18 following new subsection:

2 19 NEW SUBSECTION. 15. The debtor's interest in the
2 20 following payments reasonably necessary for the support of the
2 21 debtor or the debtor's dependents:

2 22 a. Payments to or for the benefit of the debtor or the
2 23 debtor's dependents, including structured settlements,
2 24 resulting from the wrongful death of a decedent upon which the
2 25 debtor or the debtor's dependents were dependent.

2 26 b. Payments to or for the benefit of the debtor or the
2 27 debtor's dependents, including structured settlements,
2 28 resulting from bodily injuries to the debtor or the debtor's
2 29 dependents. Such payments shall include past and future
2 30 medical expenses, past and future earnings, and past and
2 31 future loss of bodily functions. Such payments shall not
2 32 include payments for pain and suffering, emotional distress,
2 33 and punitive damages or damages resulting from emotional
2 34 distress, sexual harassment, or employment discrimination.

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3 1 rh:rj/cc/26