

CHAPTER 186
HB 1631-FN – FINAL VERSION

19Mar2014... 0428h
04/24/14 1404s

2014 SESSION

14-2848
08/10

HOUSE BILL ***1631-FN***

AN ACT relative to debt collection and small claims.

SPONSORS: Rep. C. Rice, Merr 27; Rep. Butler, Carr 7

COMMITTEE: Judiciary

ANALYSIS

This bill restricts income which is available for periodic payment of judgments or for collection of debts. This bill also increases the maximum amount for small claims actions.

This bill is a request of the debt collection study committee established by 2013, 28:1.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to debt collection and small claims.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 186:1 Periodic Payment of Judgments. Amend RSA 524:6-a to read as follows:

2 524:6-a Periodic Payment of Judgments.

3 ***I.*** Whenever judgment is rendered against any person in this state, the court in which the
4 judgment is rendered shall either at the time of rendition of the judgment inquire of the defendant as
5 to the defendant's ability to pay the judgment in full or, upon petition of the plaintiff after judgment,
6 order the defendant to appear in court for such inquiry. The court may at either time order the
7 defendant to make such periodic payments as the court in its discretion deems appropriate. If the
8 court orders the defendant to make periodic payments at the time of rendition of judgment, the order
9 shall not provide for payments to begin until after the appeal period has expired. Failure to make
10 such periodic payments shall constitute civil contempt of court unless the judge, upon inquiry, finds
11 that the failure was the result of a change in circumstances, or the failure was not intentional or in
12 bad faith, or for other good cause. The court may order the appropriate agencies to make an
13 investigation and recommendation as to the defendant's ability to pay the judgment. The judgment
14 may be enforced against any property of any kind of the debtor, except such ***income and*** property as
15 is now exempt from attachment or execution. Unless the parties otherwise agree, after an order for
16 periodic payments has been issued by the court, no writ of execution shall be issued by the court
17 without prior notice to the defendant.

18 ***II.*** ***Any income from a retirement plan or arrangement qualified for tax exemption***
19 ***purposes, as defined by RSA 511:2, XIX, shall be exempt from periodic payments up to the***
20 ***amount of 50 times the minimum hourly wage as established by the Fair Labor Standards***
21 ***Act, per week. If the defendant shares income and expenses with another person with***
22 ***whom he or she lives, and both people receive income from such a retirement plan or***
23 ***arrangement, any income from such a retirement plan or arrangement and belonging to***
24 ***either person shall be exempt from periodic payments up to the amount of 100 times the***
25 ***minimum hourly wage as established by the Fair Labor Standards Act, in total, per week.***

26 186:2 Assignability of Assistance. Amend RSA 167:25 to read as follows:

27 167:25 Assignability of Assistance. All assistance given hereunder shall be inalienable by any
28 assignment or transfer and shall be exempt from levy or execution under the laws of this state

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1 *including periodic payments on any judgment of any kind under RSA 524:6-a.*

2 186:3 Assignment or Attachment of Benefits. Amend RSA 282-A:159, I to read as follows:

3 I. Any assignment, pledge, or encumbrance of any right to benefits which are or may become
4 due or payable under this chapter shall be void. Such rights to benefits shall be exempt from levy,
5 execution, attachment, or any other remedy whatsoever provided for the collection of debt or taxes.
6 Benefits received by any individual~~[, so long as they are not mingled with other funds of the~~
7 ~~recipient,~~] shall be exempt from any remedy whatsoever for the collection of all debts except debts
8 incurred for necessities furnished to such individual or such individual's spouse or dependents
9 during the time when such individual was unemployed. Any waiver of any exemption provided for in
10 this section shall be void except for child support obligations and food stamp overissuances as
11 provided in RSA 282-A:31 and this section and, if the individual so elects, withholding of federal
12 income tax under rules adopted by the commissioner.

13 186:4 New Paragraph; Exemptions from Attachment and Execution. Amend RSA 511:2 by
14 inserting after paragraph XIX the following new paragraph:

15 XX. One computer.

16 186:5 Small Claim Defined. Amend RSA 503:1, I to read as follows:

17 I. A small claim is any right of action not involving the title to real estate in which the debt
18 or damages, exclusive of interest and costs, does not exceed [~~\$7,500~~] **\$10,000**.

19 186:6 Effective Date.

20 I. Section 5 of this act shall take effect July 1, 2015.

21 II. The remainder of this act shall take effect January 1, 2015.

22
23 Approved: July 11, 2014

24 Effective Date: I. Section 5 shall take effect July 1, 2015.

25 II. Remainder shall take effect January 1, 2015.

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