

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Sections 12-803 and 12-808 as follows:

6 (735 ILCS 5/12-803) (from Ch. 110, par. 12-803)

7 Sec. 12-803. ~~Wages~~ ~~Maximum wages~~ subject to collection. The  
8 ~~maximum~~ wages, salary, commissions and bonuses subject to  
9 collection under a deduction order, for any work week shall be  
10 ~~not exceed~~ the lesser of (1) 15% of such gross amount paid for  
11 that week or (2) the amount by which disposable earnings for a  
12 week exceed 45 times the Federal Minimum Hourly Wage prescribed  
13 by Section 206(a)(1) of Title 29 of the United States Code, as  
14 amended, in effect at the time the amounts are payable. This  
15 provision (and no other) applies irrespective of the place  
16 where the compensation was earned or payable and the State  
17 where the employee resides. No amounts required by law to be  
18 withheld may be taken from the amount collected by the  
19 creditor. The term "disposable earnings" means that part of the  
20 earnings of any individual remaining after the deduction from  
21 those earnings of any amounts required by law to be withheld.

22 (Source: P.A. 87-569.)

23 (735 ILCS 5/12-808) (from Ch. 110, par. 12-808)

24 Sec. 12-808. Duty of employer.

25 (a) An employer served as herein provided shall pay the  
26 employee the amount of his or her exempt wages.

27 (b) To the extent of the amount due upon the judgment and  
28 costs, the employer shall hold, subject to order of court, any  
29 non-exempt wages due or which subsequently come due. The  
30 judgment or balance due thereon is a lien on wages due at the  
31 time of the service of summons, and such lien shall continue as

1 to subsequent earnings until the total amount due upon the  
2 judgment and costs is paid, except that such lien on subsequent  
3 earnings shall terminate sooner if the employment relationship  
4 is terminated or if the underlying judgment is vacated or  
5 modified.

6 (b-5) If the employer is a federal agency employer and the  
7 creditor is represented by an attorney, then the employer, upon  
8 service of summons and to the extent of the amount due upon the  
9 judgment and costs, shall commence to pay over to the attorney  
10 for the judgment creditor any non-exempt wages due or that  
11 subsequently come due. The attorney for the judgment creditor  
12 shall thereafter hold the deducted wages subject to further  
13 order of the court and shall make answer to the court regarding  
14 amounts received from the federal agency employer. The federal  
15 agency employer's periodic payments shall be considered a  
16 sufficient answer to the interrogatories.

17 (c) Except as provided in subsection (b-5), the employer  
18 shall file, on or before the return date or within the further  
19 time that the court for cause may allow, a written answer under  
20 oath to the interrogatories, setting forth the amount due as  
21 wages to the judgment debtor for the payroll periods ending  
22 immediately prior to the service of the summons and a summary  
23 of the computation used to determine the amount of non-exempt  
24 wages. Except as provided in subsection (b-5), the employer  
25 shall mail by first class mail or hand deliver a copy of the  
26 answer to the judgment debtor at the address specified in the  
27 affidavit filed under Section 12-805 of this Act, or at any  
28 other address or location of the judgment debtor known to the  
29 employer.

30 A lien obtained hereunder shall have priority over any  
31 subsequent lien obtained hereunder, except that liens for the  
32 support of a spouse or dependent children shall have priority  
33 over all other liens obtained hereunder. Subsequent summonses  
34 shall be effective in the order in which they are served.

35 (d) The Illinois Supreme Court may by rule allow an  
36 employer to file answers to interrogatories by facsimile

1 transmission.

2 (e) Pursuant to answer under oath to the interrogatories by  
3 the employer, an order shall be entered compelling the employer  
4 to deduct from wages of the judgment debtor subject to  
5 collection under a deduction order an amount which is ~~not to~~  
6 ~~exceed~~ the lesser of (i) 15% of the gross amount of the wages  
7 or (ii) the amount by which disposable earnings for a week  
8 exceed 45 times the Federal Minimum Hourly Wage prescribed by  
9 Section 206(a)(1) of Title 29 of the United States Code, as  
10 amended, in effect at the time the amounts are payable, for  
11 each pay period in which statutory exemptions under Section  
12 12-804 and child support garnishments, if any, leave funds to  
13 be remitted. The order shall further provide that deducted  
14 wages shall be remitted to the creditor or creditor's attorney  
15 on a monthly basis.

16 (Source: P.A. 89-28, eff. 6-23-95; 90-677, eff. 1-1-99.)