

In all affected cases, the judgment creditor must file the notice with the clerk of the court that entered the judgment that provides cause for the creditor's levy. This filing includes proof of service or an affidavit of publication.

Table 1. Summary of statutory changes under SB 15-283.		
	Current law	SB 15-283
Types of property exempt		
Agricultural assets	All livestock, animals, equipment, and seed, if agriculture is the debtor's primary occupation, up to \$50,000.	All agricultural products, if agriculture is the debtor's primary occupation, up to \$50,000.
Vehicles	Motor vehicles, subject to limits below, including recreational vehicles and watercraft.	Bicycles included in motor vehicle exemption, subject to revised limits below. Exemption is not available for certain recreational vehicles and watercraft.
Life insurance	All life insurance policies, with the exception of increases in cash value for contributions within the 4 years preceding the action to collect debt.	Life insurance policies owned for at least 4 years at the time of the action to collect debt, excluding increases in cash value from extraordinary contributions.
Amounts of property exempt		
Homestead property (real estate, mobile homes)	\$60,000; \$90,000 if the debtor is elderly or disabled.	\$75,000; \$105,000 if the debtor is elderly or disabled.
Clothing, including clothes of dependents	\$1,500	\$2,000
Watches and jewelry	\$2,000	\$2,500
Books and photographs	\$1,500	\$2,000
Business equipment and inventory	\$20,000	\$30,000 if the business is the primary occupation of the debtor; \$10,000 if the business is not the debtor's primary occupation
Motor vehicles not exempt as business property	\$5,000; \$10,000 if the debtor is elderly or disabled.	\$7,500; \$12,500 if the debtor is elderly or disabled; limited to two vehicles.
Disability benefits	\$3,000	\$4,000

Background

Generally, this bill affects legal actions between private parties. The adjustment of types and amount of assets recoverable in a debt collection action is not expected to significantly affect the efforts of government agencies to collect debts. Government agencies typically recover debts from bank accounts or wages, rather than the types of assets affected by the bill.

State Expenditures

The bill results in minimal workload impacts to trial courts in the Judicial Department. State trial courts have jurisdiction over debt collection actions and will experience both increases and decreases in workload. In some cases, higher exemption amounts may deter the filing of a court action or a hearing to contest an exemption. In other cases, narrowing of exemptions (e.g., to allow execution and levy against a boat) may prompt the filing of a court action or a hearing to contest an exemption. Overall, the bill is expected to affect a small number of cases and will have a minimal net effect on workload in the courts. No change in appropriations is necessary to implement the bill.

Effective Date

The bill was signed into law by the Governor on June 5, 2015, and it became effective on July 1, 2015.

State and Local Government Contacts

Judicial Department
Regulatory Agencies
Local Affairs
Sheriffs

Personnel and Administration
Health Care Policy and Financing
Public Trustees

Law
Revenue
County Clerks