

OREGON STATE BAR
Legislative Proposal
Part I – Legislative Summary

RE: SB 240 Social Security numbers and other personal information in Judgment and Writs of Garnishment

Submitted by: Debtor/Creditor Section

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1. Does this amend current law or program? Yes.

This bill would amend ORS Statutes: 18.042, 18.170, 18.607, 18.668 and 18.830.

2. PROBLEM PRESENTED (including level of severity):

This is a severe problem. With the advent of UTCR 2.100, SB 583, and Oregon Bankruptcy Court GO 07-01, which is consistent with the 9th Circuit privacy policy to combat identity theft, there is confusion in what is allowed or required to be in a judgment document in order to obtain a judgment lien and what may be put in a Writ of Garnishment without incurring liability for violation of privacy statutes. A revision is needed to provide for statutory authority for truncated confidential information to be included in Judgment documents and writs of garnishment consistent with the Judicial Conference's privacy policy and other state statutes.

Under this proposal, a Social Security number would be truncated to show only the last four (4) digits; birth dates truncated to contain only the year of birth; and drivers license numbers should be redacted to show only the last four (4) digits in judgment documents and writs of garnishment.

Garnishees would not be liable to anyone for payment based on the last four digits of the social security number. Garnishors and Garnishor's attorneys are granted authority to disclose to a garnishee of a full social security number for identification purposes in responding to a writ.

3. SOLUTION:

Amend ORS 18.042, 18.170, 18.607, 18.668 and 18.830 to specifically provide that the Judgments and Writs of Garnishment forms and required information be truncated to omit the full numbers of specified information.

4. PUBLIC POLICY IMPLICATION of this proposed legislative change:

This change would eliminate any confusion about the correct information to be included in Judgment documents and Writs of Garnishment, while allowing those entities which need the information; financial institutions, title companies and employers under a writ of garnishment, enough information to identify the correct judgment debtors for response.

The language provides for an exemption from liability of the garnishee for reliance on the information provided by the last four digits of a social security number, if the garnishee relies solely on that information in conveying money or property to a sheriff, garnishor, garnishor's attorney, or court administrator which later turns out to be property of someone other than the judgment debtor.

The language also provides authority for a garnishor or garnishor's attorney to disclose an entire social security number to a garnishee, if requested, for the purpose of identifying the judgment debtor.

5. Could the problem be addressed through a **NON-LEGISLATIVE SOLUTION**, such as administrative rule or education?

No. The problem is the effect of statutory provisions.

6. **COULD ANOTHER SECTION OR GROUP MORE APPROPRIATELY INTRODUCE THE BILL?** If so, have you suggested it to the section or group?

No. The Debtor-Creditor Section is an appropriate section to introduce the bill because it deals with judgments and writs of garnishment more often than others.

The Debtor-Creditor Section Legislative Committee has consulted with Oregon Bankers Association counsel, and has discussed this proposal with Oregon Judicial Department personnel.

7. **IDENTIFY THE GROUP OR CONSTITUENCIES THAT WOULD BE MOST IMPACTED** or interested in this change. Who would support it and who would oppose it?

The groups or constituencies that would be most affected by the change would be judgment debtors, judgment creditors, financial institutions, Circuit Judges, Oregon Judicial Department and employers. All of those constituencies will benefit by the clarity to be obtained by enactment of these proposed changes to ORS.

8. **Has this been introduced in a prior session?** No.