

# SUMMARY OF COLLECTION LAWS

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**Bad check Law:** Alternately, UCC article 3 section 806 provides recovery of all reasonable costs & expenses.

## Federal Garnishment Exemption

Federal Law exempts from garnishment 75% of disposable earnings per week, or an amount to 30 x federal minimum hourly wage, whichever is greater. Some states laws still on the books are listed below, but where federal law provides larger exemption, it supersedes the state law.

**\*Denotes States having community property laws.**

## ALABAMA

**INTEREST RATE** - Legal: 6% - Judgment 12%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written contract 6 - Domestic Judgment 20 - Foreign Judgment 20

**BAD CHECK LAWS (CIVIL PENALTY)** - Actual Bank charges

**GENERAL GARNISHMENT EXEMPTIONS** - 75% of wages are exempt from garnishment

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: No - Fee: \$25 if the Population is under 20,000 or \$100 if the Population is over 20,000

## ALASKA

**INTEREST RATE** - Legal: 10.5% - Judgment 10.5% or contractual

**STATUTE OF LIMITATIONS (IN YEARS)** - Sale of Goods: 4 - Written Contract 6 - Domestic Judgment 10 - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - Damages in amount equal to \$100 or triple the amount of the check whichever is greater. But no more than \$1000 over the amount of the checks.

**GENERAL GARNISHMENT EXEMPTIONS** - 75% of employee's weekly net income or \$402.50 whichever is more.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$5000 License: Yes - Fee: \$100- Application \$200 - Agency Biennially

## \* ARIZONA

**INTEREST RATE** - Legal: 10% - Judgment 10% or contractual

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written Contract 6 in Az. - 4 outside Az. - Domestic Judgment 5-additional 5 upon request (indefinitely) - Foreign Judgment 4

**BAD CHECK LAWS (CIVIL PENALTY)** - Twice the amount of check, costs of suit, reasonable attorney fees.

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$10,000 minimum (based on gross income) - License: Yes - Fee: \$1500 Application Fee \$600 Annual Fee \$23 per Officers/Managers

## **ARKANSAS**

**INTEREST RATE** - Legal: 6% or 5 points above the Fed. discount rate Judgment 5 points above the Federal discount rate or 10% per annum whichever is less

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written Contract 5 (partial payment stops the statute from running) - Sale of Goods: (UCC-2) - 4 - Domestic Judgment 10 - Renewable - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - Twice the amount of check - prior to double charge - can start out with \$15 charge per NSF check after 30 days.

**GENERAL GARNISHMENT EXEMPTIONS** - \$500 head of family; \$200 single. Includes personal property except clothing.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$5000/\$1500 Branch - License: Yes - Fee: \$125 -\$5 each employee

## **\* CALIFORNIA**

**INTEREST RATE** - Legal: 10% - Judgment 10% (Unless otherwise contracted)

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: Reduced to writing - 4 - Open Acct: No writing - 2 - Written Contract 4 - Domestic Judgment 10 (renewable at 10) - Foreign Judgment 10 (commencing with judgment debtor's commencement of CA residence)

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount due, Treble damages - minimum \$100 maximum \$1500 per check

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law. Exemptions for necessities of life.

**COLLECTION AGENCY BOND & LICENSE** - No license or bond required.

## **COLORADO**

**INTEREST RATE** - Legal: 8% - Judgment 8% (or higher if specified in contract or note)

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 6 - Written Contract 6 (signed promissory note) - Written Contract Goods Services: 3 - Domestic Judgment District Court 20 (renewable every 20) County Court - 6 (renewable every 6) - Foreign Judgment 6 in CO

**BAD CHECK LAWS (CIVIL PENALTY)** - Treble Damages & Reasonable Fees

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$10,000 - 20,000 - License: Yes - Fee: Determined by collection agency board

## CONNECTICUT

**INTEREST RATE** - Legal: 8% - Judgment 10%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 6 - Written Contract 6 - Oral Contract 3 - Domestic Judgment 20/25 - Small Claims Judgment 10/15 - Foreign Judgment 20

**BAD CHECK LAWS (CIVIL PENALTY)** - Personal liability of signatory on corporate claims unless signed in corporate capacity.

**GENERAL GARNISHMENT EXEMPTIONS** - 25% you may garnish disposable earnings each week, or 40 x fed. mm. hourly wage, whichever is less.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$5000 - License: Yes - Fee: \$200 Yearly \$50 Investigation

## DELAWARE

**INTEREST RATE** - Legal + Judgment -Federal Reserve Discount Rate Plus 5% Points

**STATUTE OF LIMITATIONS (IN YEARS)** - Sale of Goods: 4 - Open Acct.: 4 - Written Contract 3 - Domestic Judgment No provision - Foreign Judgment No provision

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount due, cost of suit, protest tees

**GENERAL GARNISHMENT EXEMPTIONS** - 85% of disposable earnings or disposable earnings minus 127.50 weekly according to schedule.

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: Merc. License - Fee: \$50 Yearly

## DISTRICT OF COLUMBIA

**INTEREST RATE** - Legal: 6% - Judgment 70% of interest rates on taxes to IRS

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written Contract 3 - Domestic Judgment 20 - Foreign Judgment Foreign Statute

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount Due - Protest Fees

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law. D.C. Government employees are not attachable.

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: No - Fee: No

## FLORIDA

**INTEREST RATE** - Legal: 10% - Judgment 10% or contractual

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 4 - Written Contract 5 - Domestic Judgment 7 Renewable - Foreign Judgment Sit not recorded in-state

**BAD CHECK LAWS (CIVIL PENALTY)** - After 30 day demand-treble amount in addition to amount owed, bank & court costs & reasonable attorney fees.

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law except 100% head of household. - Liberal Homestead Exemption - 1st \$1,000 of automobile

**COLLECTION AGENCY BOND & LICENSE** - Bond: Yes - \$50,000 (Commercial) - License: Yes - Fee: Yes - \$200 - Registration / \$50 - Investigation \$200 - Renewal

## GEORGIA

**INTEREST RATE** - Legal: 7% - Judgment 12% - Commercial Accounts: 18%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 4 - Written Contract 6 - Domestic Judgment .7 - Foreign Judgment 5

**BAD CHECK LAWS (CIVIL PENALTY)** - After 10 day written demand double damages up to \$500 and service charge of \$20 or 5%, whichever is greater.

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law. City, County & State employees may be garnished.

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: No - Fee: No

## HAWAII

**INTEREST RATE** - Legal: 10% - Judgment 10% (no written contract)

**STATUTE OF LIMITATIONS (IN YEARS)** - Sale of Goods: 4 - Open Acct: 6 - Written Contract 6 - Domestic Judgment 10 - Foreign Judgment 6 for regis./10 after regis.

**BAD CHECK LAWS (CIVIL PENALTY)** - Damages equal to \$100 or triple amount of check, not to exceed \$500.

**GENERAL GARNISHMENT EXEMPTIONS** - 95% of 1st \$100 - 90% of 2nd \$100 - 80% net wages in excess of \$200 per mo. or federal limits whichever is greater.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$25,000/\$15,000 each branch - License: Registration with "DCCA" - Fee: \$25- Application - \$80- Registration \$80 - Renewal - \$50- Compliance = \$155 for 2 years

## \* IDAHO

**INTEREST RATE** - Legal: 12% - Judgment 10.875% plus the base rate

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 4 - Oral Contract 4 - Written Contract 5 - Domestic Judgment 5 renewable - Foreign Judgment 6 renewable

**BAD CHECK LAWS (CIVIL PENALTY)** - Triple amount of check up to \$500 over the check amount

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law.

**COLLECTION AGENCY BOND & LICENSE** - Bond: Greater of \$5,000 or 2 x average monthly net collections previous year plus \$2000 to indemnify state for costs - License: Yes - Fee: \$100 - permit fee - \$50 - renewal

## ILLINOIS

**INTEREST RATE** - Legal: 5% Judgment 9%

**STATUTE OF LIMITATIONS (IN YEARS)** - Sales (UCC): 4 - Open Acct: 5 - Written Contract 10 - Domestic Judgment 20 - Foreign Judgment Same as foreign jurisdiction

**BAD CHECK LAWS (CIVIL PENALTY)** - Triple check amount up to \$500, attorney fees & court costs.

**GENERAL GARNISHMENT EXEMPTIONS** - 15% of gross wages or disposable earnings for workweek up to 45 x ted. mm. hourly wage, whichever is greater.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$25,000 - License: Yes - Fee: \$75 - Original \$60 - Renewal

## INDIANA

**INTEREST RATE** - Legal: 8% - Judgment 8%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 6 - Written Contract for payment of money -(executed before 9/1/82): 10 (executed after 8/31/82): 6 - Written contract (other than payment of money): 10 - Domestic Judgment 10 - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - Triple check amount up to \$500 over check amount + attorney fees & interest upto 18% per annum or 25% of triple check amount + attorney fees and interest at 8% per annum.

**GENERAL WAGE GARNISHMENT EXEMPTIONS** - 75% of disposable earnings for workweek or the amount of 30 x ted. mm. hourly wage, whichever is greater.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$5000 each office - License: Yes - Fee: \$50 plus \$5 per annum, each unlicensed employee \$15 branch office

## IOWA

**INTEREST RATE** - Legal: 5% - Judgment 10%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 5 - Written Contract 10 - Domestic Judgment 10 - can be renewed in the next year - Foreign Judgment 10 - can be renewed in the next year

**BAD CHECK LAWS (CIVIL PENALTY)** - Triple check up to \$500 over check amount

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law.

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: No - Fee: No

## KANSAS

**INTEREST RATE** - Legal: 10% - Judgment 4 percentage points above the discount rate

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written Contract 5 - Domestic Judgment 5 renewable - Foreign Judgment 5 renewable

**BAD CHECK LAWS (CIVIL PENALTY)** - Three times check amount not exceeding the check amount, \$500 or \$100 whichever is greater plus attorney fees

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law. Plus other personal property, benefit exemptions, and homestead

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: No - Fee: No

## KENTUCKY

**INTEREST RATE** - Legal: 8% - Judgment 12%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 5 - Written Contract 15 - Oral Contract 5 - Domestic Judgment 15 - Foreign Judgment 15

**BAD CHECK LAWS (CIVIL PENALTY)** - N/A

**GENERAL GARNISHMENT EXEMPTIONS** -25% of disposable income or 30 times the federal minimum hourly wage (whichever is less)

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: No - Fee: No

## LOUISIANA

**INTEREST RATE FOR 1996** - Legal: 9.75% - Judgment 9.75%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written Contract 10 - Promissory Notes: 5 - Domestic Judgment 10 - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - After 30 day written demand (certified or registered), twice check amount Attorney fees & court costs.

**GENERAL GARNISHMENT EXEMPTIONS** - 75% disposable earnings per work week, but not less than 30 x fed. mm. hourly wage.

**COLLECTION AGENCY BOND & LICENSE** - Bond: Yes - \$10,000 - License: Yes - Fee: \$200 Initial I \$200 Investigation I \$200 Renewal \$100 Branch I \$100 Branch Renewal

## MAINE

**INTEREST RATE** - Legal: 8% Post - Judgment 15% annual (less than \$30,000) T-Bill rate over \$30,000

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 6 - Written Contract 6 + 20 (with attestation) - Domestic Judgment 20 - Foreign Judgment 20

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount due, court costs, service costs & collection costs

**GENERAL GARNISHMENT EXEMPTIONS** - You may garnish 25% of disposable income or 40 times the federal minimum wages per week (whichever is less) After judgement only.

**COLLECTION AGENCY BOND & LICENSE** - Bond: Yes- Per Superintendent - License: Yes - Fee: \$400 Yearly

## MARYLAND

**INTEREST RATE** - Legal: 6% - Judgment 10% or contractual

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - UCC:4 - Specialty: 12 (contract under seal) - Written Contract 3 - Domestic Judgment 12 - Foreign Judgment 12

**BAD CHECK LAWS (CIVIL PENALTY)** - After 30 day written notice, amount due, \$25 fee, twice check amount up to \$1000. (At the discretion of the court.) Applies to COD sales only.

**GENERAL GARNISHMENT EXEMPTIONS** - Greater of 75% of amount to \$145 x no. of wks. in which wages due were earned, except in Caroline, Worchester, Kent & Queen Anne's Counties, see federal law. Exemption is up to \$3,000 in cash and/or property.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$5,000 each office - License: Yes - Fee: \$150 each office

## MASSACHUSETTS

**INTEREST RATE** - Legal: 6% - Judgment 12% - Contract 12%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct on Contract 6 - Contract 6 - Sales (UCC) Contract 4 - Domestic Judgment 20 (presumed satisfied after 20 years) - Foreign Judgment 20 - Contract Under Seal: 20

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount due, costs of suit, protest fees Additional damages \$100 - \$500 can be assessed.

**GENERAL GARNISHMENT EXEMPTIONS** - \$125 a week

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$10,000 - \$25,000 - License: Yes - Fee: Determined by commissioner

## MICHIGAN

**INTEREST RATE** - Legal: 5% - Judgment 6.953 changes semi-annually - Usuary limit 25%

**STATUTE OF LIMITATION (IN YEARS)** - Open Acct: 6 - Written Contract 6 - Sales (UCC) Contract 4 - Domestic Judgment 10 renewable - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - Twice the amount of check - not to exceed \$500. Retail Claims - Notice Requirements.

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law.

**COLLECTION AGENCY BOND & LICENSE (RETAIL ONLY)** - Bond: \$5,000 - \$50,000 - License: Yes - Fee: \$150 - Investigation \$225 - Initial \$125- Annually

## MINNESOTA

**INTEREST RATE** - Legal: 6% - Judgment 5% (Changes Yearly) Business or Agricultural Loan: 4½% over federal discount rate

**STATUTE OF LIMITATIONS (IN YEARS)** - Goods Sold & Delivered (UCC): 4 - Open Acct: 6 - Written Contract 6 - Transportation Service: 3 - Domestic Judgment 10 - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount due, \$100 penalty, judgment interest rate, reasonable attorneys fees (if check over \$1250), \$15 service charge.

**GENERAL GARNISHMENT EXEMPTIONS** - Greater of 75% or amount to 40 x fed. mm. hourly wage.

**COLLECTION AGENCY BOND & LICENSE** - Bond: \$20,000 - License: Yes - Fee: \$1,000 - Initial \$400 - Annual \$10 - Per Collector

## MISSISSIPPI

**INTEREST RATE** - Legal: 8% - Judgment amount in contract if no contract amount court decides

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 3 - Written Contract 3 UCC: 6 - Domestic Judgment 7 - Foreign Judgment 7(3 if resident)

**BAD CHECK LAWS (CIVIL PENALTY)** - On checks \$100 or more - not more than \$1000 fee + court may impose fee of no more than 85% of the check value. Criminal penalties & restitution apply.

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law.

**COLLECTION AGENCY BOND & LICENSE** - Bond: No - License: City - Business - Fee:\$15-\$50

## MISSOURI

**INTEREST RATE** - Legal: 9% - Judgment 9%

**STATUTE OF LIMITATIONS (IN YEARS)** - Sale of Goods 4 - Open Acct: 5 - Written Contract 10 (Money & Property) - Domestic Judgment 10 (Revived every 10 year) - Foreign Judgment 10 (revived every 10 years)

**BAD CHECK LAWS (CIVIL PENALTY)** - Three times face amount owed plus attorney's fees.

**GENERAL GARNISHMENT EXEMPTIONS** - See Federal law; exempt 90% of week's net pay, head of household, single person w/o depend. = 75%

## **MONTANA**

INTEREST RATE - Legal: 10% - Judgment 10%

STATUTE OF LIMITATIONS (IN YEARS) - Contract not in Writing 5 - Written Contract 8 - Domestic Judgment 10 (District Court) - Justice of Peace Judge 10 - Tort Claim (Subrogation) Prop & Personal 3

BAD CHECK LAWS (CIVIL PENALTY) - \$100 minimum or 3 times face value up to \$ 500 plus face value of check and under UCC the value of the check plus \$30 service charge per check,

GENERAL GARNISHMENT EXEMPTIONS - See Federal law. State law provides for executions

## **NEBRASKA**

INTEREST RATE - Legal: 12% per written instrument or contract rate - Judgment 2% above the bond investment yield of the 28 week U.S. Treasury Bill

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 4 - Written Contract 5 - Domestic Judgment 5 renewable every 5 - Foreign Judgment 5 non-renewable

BAD CHECK LAWS (CIVIL PENALTY) - Amount due, costs, protest fees

GENERAL GARNISHMENT EXEMPTIONS - Greater of 75% disposable earnings (85% if head of household), or 30x fed. Minimum hourly wage.

## **NEVADA**

INTEREST RATE - Contract rate always prevails. If no contract: Pre-Judgment: Statutory rate = 2% Over Prime as determined by 3 largest NV banks and adjusted every 6 months. Judgment: Same as pre-judgment

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 4 - Written Contract 6 - Lease 4 - Domestic Judgment 6 - Foreign Judgment 6

BAD CHECK LAWS (CIVIL PENALTY) - Amount due, protest fees three times check amount not more than \$500, or less than \$100.

GENERAL GARNISHMENT EXEMPTIONS - Wages no more than 25% of Disposable earnings for each week or 30 times federal minimum hourly wage (Whichever is less) except for support orders.

## **NEW HAMPSHIRE**

INTEREST RATE - Judgment 2005-4%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 3 - For Goods 4 - Written Contract 3 - Domestic Judgment 20 - Foreign Judgment 20

BAD CHECK LAWS (CIVIL PENALTY) - Amount due, interest, court costs, reasonable attorneys' fees & \$10 per business day (max \$500). If statutory notice is sent. (RSA 544-B)

GENERAL GARNISHMENT EXEMPTIONS - 50 x fed. min. hourly wage - All future wages are exempt so that the court cannot issue an ongoing order.

## NEW JERSEY

INTEREST RATE - Legal: up to 30% - as provided for by contract - Judgment changes yearly. In 2005 - 1% on judgments up to \$15,000. On judgments in excess of \$15,000, an additional 2% is added to the interest rate.

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 6 - Sale of Goods 4 - Written Contract 6 - Domestic Judgment 20 - Foreign Judgment 20

BAD CHECK LAWS (CIVIL PENALTY) - Face amount of the check plus 3x the face value of the check, with the civil penalty not to exceed \$500.

GENERAL GARNISHMENT EXEMPTIONS - \$154.50 wk. min. 10% of gross earnings \$154.50 & Over

## NEW MEXICO

INTEREST RATE - Judgment 8.75% (in the absence of a written contract)

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 4 - Written Contract 6 - Domestic Judgment 14 - Foreign Judgment 14

BAD CHECK LAWS (CIVIL PENALTY) - Amount due, triple damages up to \$500 per check. Complex requirements need to be met.

GENERAL GARNISHMENT EXEMPTIONS - Greater of 75% or amount each wk. = to 40 x fed. min. hourly wage.

## NEW YORK

INTEREST RATE - Legal: 16% - Judgment 9%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 6 - Sale of Goods 4 - Written Contract 6 - Domestic Judgment 20 (10 yr. renewable lien) - Foreign Judgment 20 (10 yr. renewable lien)

BAD CHECK LAWS (CIVIL PENALTY) - Face value of check plus two times check amount up to a maximum of \$400 on NSF or \$750 on "no account" (Demand prescribed by law). GEN.OB.1.1-104.

GENERAL GARNISHMENT EXEMPTIONS - 90% of earnings, except 1<sup>st</sup> \$154.50 wk. wholly exempt (only if the person earns minimum wage).

## NORTH CAROLINA

INTEREST RATE - Legal: 8% - Judgment 8%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 3 - Sale of Goods 4 - Written Contract 3 - Domestic Judgment 10 - Foreign Judgment 10

BAD CHECK LAWS (CIVIL PENALTY) - 30 day written demand lesser of \$500 or 3x check amount, but not less than \$100

GENERAL GARNISHMENT EXEMPTIONS - 100% of last 60 days' earnings for family support. Garnishment only by political subdivisions for taxes, ambulance fee, ect.

## NORTH DAKOTA

INTEREST RATE - Legal: 6% - Judgment 12%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct. for services: 6 - Sale of Goods 4 - Written Contract 6 - Domestic Judgment 10 renewable - Foreign Judgment 10 renewable

**BAD CHECK LAWS (CIVIL PENALTY)** - Amount due, collection fees of \$25, and civil penalty by civil action for lesser of \$200 or 3x check. Effective 08/01/01.

**GENERAL GARNISHMENT EXEMPTIONS** - Greater of 75% or amount each wk. = to 40 x fed. min. hourly wage. Plus \$20.00 each household dependent.

## **OHIO**

**INTEREST RATE** - Legal: 1% above short rate pursuant to Ohio Revised code 134303 (for 2005 rate is 5%) - Judgment 10% (unless written contract)

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 6 - Sales Contract (UCC2-725) - Written Contract 15 - Domestic Judgment 21 renew every 5 - Foreign Judgment 21 renew every 5

**BAD CHECK LAWS (CIVIL PENALTY)** - The greater of \$200 or three times the amount of check and attorney fees (no maximum)

**GENERAL GARNISHMENT EXEMPTIONS** - See federal law. Effective 3/30/99 Ohio allows continuing garnishments.

## **OKLAHOMA**

**INTEREST RATE** - Legal: 6% unless specified in contract - Judgment 5.63% for 2003 (4% over U.S. Treasury Bill Rate of previous year)

**STATUTE OF LIMITATIONS (IN YEARS)** - Sale of Goods Governed by UCC: 5 - Open Acct: 3 - Written Contract 5 - Domestic Judgment 5 renewable - Foreign Judgment 5 renewable

**BAD CHECK LAWS (CIVIL PENALTY)** - N/A

**GENERAL GARNISHMENT EXEMPTIONS** - State law: 75% of earnings exempted, more if hardship established. All federal exemptions apply.

## **OREGON**

**INTEREST RATE** - Statutory + Judgment: 9% simple interest per annum (Unless specified by contract)

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 6 - Sale of Goods 6 (4 yrs UCC Transaction) - Written Contract 6 - Domestic Judgment 10 renewable at 10 - Foreign Judgment 10

**BAD CHECK LAWS (CIVIL PENALTY)** - Can recover reasonable attorney fees & statutory damages of three times the amount of the NSF check or \$500 maximum if demand letter is sent to debtor 30 days before suit is filed.

**GENERAL GARNISHMENT EXEMPTIONS** - 75% of disposable earnings over and above minimum wage

## **PENNSYLVANIA**

**INTEREST RATE** - Legal: 6% - Judgment 6%

**STATUTE OF LIMITATIONS (IN YEARS)** - Open Acct: 4 - Written Contract 4 - Domestic Judgment 5 (writ of revival within 5 yrs) - Foreign Judgment 4

**BAD CHECK LAWS (CIVIL PENALTY)** - N/A

**GENERAL GARNISHMENT EXEMPTIONS** - 100% of wages, certain pensions, retirement accounts & Keogh plan under certain circumstances and \$300

## **PUERTO RICO**

INTEREST RATE - Legal: 6% changes every 6 months (01/01/2005-06/30/2005) - Judgment regulated by the Commissioner of the Board of Financial Institutions every 6 months

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 3 - Merchandise Open Acct: 3 - Written Contract 15 - Mortgage 20 - Domestic Judgment 15 - Foreign Judgment 15

BAD CHECK LAWS (CIVIL PENALTY) - See articles 1851-1856 of the Puerto Rico Penal Code regarding bad check laws.

GENERAL GARNISHMENT EXEMPTIONS - 75% of last 30 days' earnings for family support

## **RHODE ISLAND**

INTEREST RATE - Legal: 12% - Judgment 12%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 10 - Written Contract 10 - Domestic Judgment 20 - Foreign Judgment 20

BAD CHECK LAWS (CIVIL PENALTY) - Amount of check, \$25 fee & treble damage up to \$1000

GENERAL GARNISHMENT EXEMPTIONS - See federal law

## **SOUTH CAROLINA**

INTEREST RATE - Legal: 8.75% - Judgment 12%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 3-see SC Code Section 36-2-725 - Sale Goods (UCC): 6 - Written Contract 3 - Domestic Judgment 10 - Foreign Judgment 10 - Written Contract under Seal 20

BAD CHECK LAWS (CIVIL PENALTY) - Court costs amount of check & damages up to \$500 or 3x check amount whichever is smaller. See SC Code Section 34-11-90 for requirements to collect damages.

GENERAL GARNISHMENT EXEMPTIONS - Garnishment not available in SC

## **SOUTH DAKOTA**

INTEREST RATE - Legal: 12% - Judgment 10%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 6 - Sale of Goods 4 - Written Contract 6 - Domestic Judgment 10 renewable for 10 - Foreign Judgment 10

BAD CHECK LAWS (CIVIL PENALTY) - N/A

GENERAL GARNISHMENT EXEMPTIONS - 20% of the individuals disposable earnings for a continuing lien

## **TENNESSEE**

INTEREST RATE - Legal: 10% - Judgment 10% (or contract rate, whichever is greater)

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 6 - Written Contract 6 - Domestic Judgment 10 - Foreign Judgment 10

GENERAL GARNISHMENT EXEMPTIONS - See federal law. Add \$2.50 per wk. for dependent child under 16

## TEXAS

INTEREST RATE - Legal: 18% with an agreement; can charge up to 6% without agreement - Judgment 5.5% (effective 4-15-05)

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct:4 - Written Contract 4 - Promissory Note 6 - Domestic Judgment 10 renewable - Foreign Judgment 10 renewable

BAD CHECK LAWS (CIVIL PENALTY) - N/A

GENERAL GARNISHMENT EXEMPTIONS - 100% of Wages

## UTAH

INTEREST RATE - Legal: 10% - Judgment 3.41%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 4 - Written Contract 6 - Domestic Judgment 8 - Foreign Judgment 8

BAD CHECK LAWS (CIVIL PENALTY) - Certified statutory bad check notice must be sent. Amount due, interest, court costs, reasonable attorney's fees, plus damage equal to greater of \$100 or three times check amount (not to exceed check amount plus \$500)

GENERAL GARNISHMENT EXEMPTIONS - \$142.50 of disposable earnings for wages paid weekly

## VERMONT

INTEREST RATE - Legal: 12% - Judgment 12%

STATUTE OF LIMITATIONS (IN YEARS) - Retail Installment Contracts 3 - Witnessed Promissory Note 14 - Open Acct: 6 - Written Contract 6 - Domestic Judgment 8 - Foreign Judgment 8

BAD CHECK LAWS (CIVIL PENALTY) - Court costs, amount of check, attorney's fees, damage of \$50. (Notices required)

GENERAL GARNISHMENT EXEMPTIONS - 75% of earning above minimum wage or what is necessary to live. 85% if personal, family or house held debt.

## VIRGINIA

INTEREST RATE - Legal: 8% - Judgment 9% or contract rate whichever is higher

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 3 Last charge or payment - Written Contract 5 - Domestic Judgment 20 - Foreign Judgment 10 - Sales of goods under article 2 is 4 years

BAD CHECK LAWS (CIVIL PENALTY) - Lesser of \$250 or three times check amount

GENERAL GARNISHMENT EXEMPTIONS - See federal law

## WASHINGTON

INTEREST RATE - Legal: 12% - Judgment 12%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 6 - Written Contract 6 - Domestic Judgment 10 renewable - Foreign Judgment 10 renewable

BAD CHECK LAWS (CIVIL PENALTY) - Interest at rate specified in instrument or, if no specified rate, 12% interest plus collection costs up to \$40. If taken to court, reasonable attorney's fees, 3 x value, or up to \$800. Have 6 years to enforce a bad check.

GENERAL GARNISHMENT EXEMPTIONS - Greater of 75% or \$206 wk. (30 x state min. hourly wage)

## **WEST VIRGINIA**

INTEREST RATE - Legal: 6% (Contract rate prevails. Contract rate can vary between 18% and 31% max) - Judgment 10%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 5 - Written Contract 10 - Domestic Judgment 10 - Foreign Judgment 10

BAD CHECK LAWS (CIVIL PENALTY) - Amount due, service charge up to \$10. If check is under \$500.00 = misdemeanor. Over \$500.00 = felony.

GENERAL GARNISHMENT EXEMPTIONS - See West VA code 38-5A-3-Employees with hold 20% of disposable income or 30x the minimum hourly rate, whichever is less. Other exemptions apply.

## **WISCONSIN**

INTEREST RATE - Legal: 5% - Judgment 12%

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 6 - Written Contract 6 - Domestic Judgment 20 - Foreign Judgment 20

BAD CHECK LAWS (CIVIL PENALTY) - Amount of check plus actual damages + exemplary damages up to three times value of check. Limited to \$300

GENERAL GARNISHMENT EXEMPTIONS - 80% of net pay

## **WYOMING**

INTEREST RATE - Legal: 7% - Judgment contract rate or 10% judgment rate

STATUTE OF LIMITATIONS (IN YEARS) - Open Acct: 8 - Written Contract 10 - Domestic Judgment 5 - Foreign Judgment 5

BAD CHECK LAWS (CIVIL PENALTY) - Three times amount of check but not less than \$100 plus collection fee of \$30

GENERAL GARNISHMENT EXEMPTIONS - See federal law for consumer credit sale, lease or loan. Up to 65% for child support arrearage.