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U.S. DEPARTMENT OF LABOR
WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS
WASHINGTON, D.C. 20210

SEP 14 1970

CCPA

This is in reply to your letter of August 7, 1970, concerning the administration of Title III of the Consumer Credit Protection Act when a particular section violates both Title III and State law in a State which has more stringent garnishment restrictions than Title III, but which has not received an exemption under section 305.

Under the provisions of section 307, any section or provision of any State law which prohibits garnishments or provides for a smaller garnishment amount than does Title III in a particular case will continue to be applied. On the other hand, the State law is considered preempted if it results in a larger garnishment amount than permitted under section 303. This principle of general application will guide our activities in administering and enforcing Title III, unless we are otherwise directed by authoritative court decisions.

Where a State law imposes stricter standards regarding restrictions on wage garnishments and is thus not annulled, altered or affected by Title III by virtue of section 307, both the State law and Title III would apply concurrently. The Wage and Hour Division would continue to enforce Title III under section 306 and delegations of authority from the Secretary of Labor, and State courts would continue to be subject to the proscription contained in section 303(c) against the making, executing, or enforcing of any order or process in violation of that section. The manner in which a State law would be enforced would, of course, be dependent upon its particular provisions.

Sincerely,

ROBERT D. MORAN

Robert D. Moran
Administrator

Enclosure