

CCPA-30

September 28, 1970

This is in response to your letter of July 23, 1970, concerning an employer's obligations under Title III of the Consumer Credit Protection Act. You ask whether or not it is the obligation of the person ordering the execution to determine what amount of the wage earner's salary can be garnished, the obligation of the sheriff to determine this amount, or the obligation of the manufacturer who is garnished.

The question posed is sweeping, and permits no complete answer at this time. It should be noted, however, that section 303(c) of the Consumer Credit Protection Act makes it an express duty that Federal and State courts are not to make, execute, or enforce any order or process in violation of the garnishment restrictions contained in section 303. Thus, it would seem that at least the principal duty to apply the garnishment restrictions is a judicial one. But this does not preclude the possibility of the existence of other obligations, and possible liability, upon the part of plaintiff creditors or garnishee employers in particular circumstances. We would suppose that in at least some instances interrogatories filed with a State court by an employer or a defendant would assist the court in applying section 303(c).

We regret that we are unable to be more specific in our response. However, greater particularity is something which will only be possible when there has been an opportunity for judicial construction of Title III in specific cases.

Sincerely,

Robert D. Moran
Administrator