



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5485

by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/12-803

from Ch. 110, par. 12-803

Amends the Code of Civil Procedure. Provides that the wages, salary, commissions, and bonuses subject to collection under a deduction order, for any work week, shall be the lesser of: (1) 10% (currently 15%) of such gross amount paid for that week; or (2) the amount by which disposable earnings for a week exceed 60 (currently 45) times the statutory minimum wage in effect at the time the amounts are payable. Provides that "deduction from those earnings" includes, but is not limited to, deductions for health insurance, deductions for transportation, and pre-tax flexible spending deductions. Effective immediately.

LRB100 20524 HEP 35909 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 12-803 as follows:

6 (735 ILCS 5/12-803) (from Ch. 110, par. 12-803)

7 Sec. 12-803. Wages subject to collection.

8 (a) The wages, salary, commissions, and bonuses subject to  
9 collection under a deduction order, for any work week, shall be  
10 the lesser of:

11 (1) 10% lesser of (1) 15% of such gross amount paid for  
12 that week; or

13 (2) the amount by which disposable earnings for a week  
14 exceed 60 ~~45~~ times the Federal Minimum Hourly Wage  
15 prescribed by Section 206(a)(1) of Title 29 of the United  
16 States Code, as amended, or, under a wage deduction summons  
17 served on or after January 1, 2006, the minimum hourly wage  
18 prescribed by Section 4 of the Minimum Wage Law, whichever  
19 is greater, in effect at the time the amounts are payable.

20 (b) This Section ~~provision~~ (and no other) applies  
21 irrespective of the place where the compensation was earned or  
22 payable and the State where the employee resides. No amounts  
23 required by law to be withheld may be taken from the amount

1 collected by the creditor. The term "disposable earnings" means  
2 that part of the earnings of any individual remaining after the  
3 deduction from those earnings of any amounts required by law to  
4 be withheld. "Deduction from those earnings" includes, but is  
5 not limited to, deductions for health insurance, deductions for  
6 transportation, and pre-tax flexible spending deductions.

7 (Source: P.A. 94-306, eff. 1-1-06; 95-661, eff. 1-1-08.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.