



Substitute House Bill No. 6786

Public Act No. 23-23

AN ACT CONCERNING SERVICE OF BANK EXECUTIONS, WAGE EXECUTIONS AND TAX WARRANTS BY STATE MARSHALS AND AUTHORIZED SERVICE OF PROCESS BY INDIFFERENT PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 52-367b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Execution may be granted pursuant to this section against any debts due from any financial institution to a judgment debtor who is [a natural person] an individual, except to the extent such debts are protected from execution by sections 52-352a, 52-352b, 52-352c of the general statutes, revision of 1958, revised to 1983, 52-354 of the general statutes, revision of 1958, revised to 1983, 52-361 of the general statutes, revision of 1958, revised to 1983 and section 52-361a, as amended by this act, as well as by any other laws or regulations of this state or of the United States which exempt such debts from execution.

(b) (1) If execution is desired against any such debt, the plaintiff requesting the execution shall make application to the clerk of the court. The application shall be accompanied by a fee of one hundred five dollars payable to the clerk of the court for the administrative costs of

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complying with the provisions of this section, which fee may be recoverable by the judgment creditor as a taxable cost of the action. In a IV-D case, the request for execution shall be accompanied by an affidavit signed by the serving officer attesting to an overdue support amount of five hundred dollars or more which accrued after the entry of an initial family support judgment. If the papers are in order, the clerk shall issue such execution containing a direction that the officer serving such execution shall, within seven days from the receipt by the serving officer of such execution, make demand [(1)] (A) upon the main office of any financial institution having its main office within the county of the serving officer, [(2)] (B) if such main office is not within the serving officer's county and such financial institution has one or more branch offices within such county, upon an employee of such a branch office, such employee and branch office having been designated by the financial institution in accordance with regulations adopted by the Banking Commissioner, in accordance with chapter 54, or [(3)] (C) only upon demand of a financial institution which does not have any main office or branch office in this state, by certified mail, return receipt requested, for payment of any such nonexempt debt due to the judgment debtor and, after having made such demand, shall serve a true and attested copy of the execution, together with the affidavit and exemption claim form prescribed by subsection (k) of this section, with the serving officer's actions endorsed thereon, with the financial institution upon whom such demand is made. When service is made by the serving officer by certified mail pursuant to subparagraph (C) of this subdivision, the officer may collect the actual postage costs incurred, in addition to the serving officer's fee, from the amount removed from the judgment debtor's account, if any, pursuant to subsection (h) of this section. The serving officer shall not serve more than one financial institution execution per judgment debtor at a time, including copies thereof. After service of an execution on one financial institution, the serving officer shall not serve the same execution or a copy thereof upon another financial institution until receiving confirmation from the

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preceding financial institution that the judgment debtor had insufficient funds at the preceding financial institution available for collection to satisfy the execution, provided any such additional service is made not later than forty-five days from the receipt by the serving officer of such execution. The financial institution shall provide the serving officer a response to the service of such execution in accordance with subdivision (2) of this subsection. After service of an execution on a financial institution, the serving officer shall not subsequently serve the same execution or a copy thereof upon such financial institution if an electronic direct deposit that is readily identifiable as exempt from execution was made to the judgment debtor's account during the look-back period, as described in subsection (c) of this section. If no such deposit was made, the serving officer may subsequently serve the same execution or a copy thereof upon such institution, provided such execution has not expired or otherwise become unenforceable.

(2) Not later than the seventh business day after the service of an execution upon a financial institution, the financial institution shall send to the serving officer by first class mail, postage prepaid, (A) if the financial institution has removed funds from the judgment debtor's account pursuant to the execution and this section, a notice stating the amount of funds removed from the judgment debtor's account and referencing the docket number, if provided by the judgment creditor on the execution form, or (B) if the judgment debtor is not indebted to the financial institution or if the financial institution has not removed funds from the judgment debtor's account pursuant to the execution and this section, a complete set of all the documents served on the financial institution by the serving officer, including the cover page of the serving officer, with endorsements from other financial institutions, as the case may be, the original true and attested copy of the execution served on the financial institution, and the affidavit and exemption claim form prescribed by subsection (k) of this section. The response of the financial institution pursuant to subparagraph (B) of this subdivision shall

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include a notation on the serving officer's cover page, or at the financial institution's option, on a separate document prepared by the financial institution, to the effect that the judgment debtor does not have an account with the financial institution or that no funds were removed from the account, provided that such separate document shall be affixed to, or enclosed contiguous to the financial institution's return of a particular execution to the serving officer pursuant to this subsection. The financial institution shall maintain reasonable procedures to prevent the resubmission of a response provided to the serving officer pursuant to subparagraph (B) of this subdivision. As used in this section, "business day" has the same meaning as provided in section 36a-330.

(c) (1) Except as provided in subdivision (2) of this subsection, if any such financial institution upon which such execution is served and upon which such demand is made is indebted to the judgment debtor, the financial institution shall remove from the judgment debtor's account the amount of such indebtedness not exceeding the amount due on such execution before its midnight deadline, as defined in section 42a-4-104.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the financial institution shall leave in the judgment debtor's account (A) the full amount of electronic direct deposits that are readily identifiable as exempt federal veterans' benefits, Social Security benefits, including, but not limited to, retirement, survivors' and disability benefits, supplemental security income benefits, exempt benefits paid by the federal Railroad Retirement Board or the federal Office of Personnel Management, unemployment compensation benefits exempt under section 52-352b, and child support payments processed and received pursuant to Title IV-D of the Social Security Act, and (B) the amount of electronic direct deposits, not to exceed one thousand dollars, that are readily identifiable as wages, provided such deposits were made to the judgment debtor's account during the look-back period of

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two months preceding the date that the execution was served on the financial institution, or, with regard to federal benefits, such greater period as required by federal law. If no such deposits have been made to the judgment debtor's account during the look-back period, or if such readily identifiable funds are less than one thousand dollars, the financial institution shall leave in the judgment debtor's account as exempt pursuant to subdivision (18) of section 52-352b the lesser of the account balance or one thousand dollars in the aggregate. To the extent that such funds are left in the judgment debtor's account as exempt pursuant to subdivision (18) of section 52-352b, the provisions of said subsection shall not be the basis for a claim of exemption pursuant to this subsection in response to a levy of execution.

(3) Nothing in this subsection shall be construed to limit a financial institution's right or obligation to remove such funds from the judgment debtor's account if required by any other provision of law or by a court order. The judgment debtor shall have full and customary access to such funds left in the judgment debtor's account pursuant to this subsection. The financial institution may notify the judgment creditor that funds have been left in the judgment debtor's account pursuant to this subsection. Nothing in this subsection shall alter the exempt status of funds which are exempt from execution under subsection (a) of this section or under any other provision of state or federal law, or the right of a judgment debtor to claim such exemption. Nothing in this subsection shall be construed to affect any other rights or obligations of the financial institution with regard to the funds in the judgment debtor's account.

(d) ~~(1)~~ If any funds are removed from the judgment debtor's account pursuant to subsection (c) of this section, upon receipt of the execution and exemption claim form from the serving officer, the financial institution shall ~~[(1)]~~ (A) forthwith mail copies thereof, postage prepaid, to the judgment debtor and to any secured party that is party to a control

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agreement between the financial institution and such secured party under article 9 of title 42a at the last-known address of the judgment debtor and of any such secured party with respect to the affected accounts on the records of the financial institution, and [(2)] (B) mail notice to the judgment debtor as required by 31 CFR 212.6 and 212.7. The financial institution may note that funds have been removed from the judgment debtor's account on any records for such account, including electronic records, available to the judgment debtor, but shall not display, or otherwise provide to the judgment debtor, the name or contact information of the serving officer. The financial institution shall hold the amount removed from the judgment debtor's account pursuant to subsection (c) of this section for fifteen days from the date of the mailing to the judgment debtor and any such secured party, and during such period shall not pay the serving officer.

(2) In the event the judgment debtor directs questions to the financial institution concerning the execution, the financial institution may instruct the judgment debtor to direct such questions regarding the execution to the judgment creditor or the judgment creditor's attorney at the telephone number provided on the execution. The financial institution may also direct the judgment debtor to direct such questions to the applicable clerk of the court identified on the execution form.

(e) To prevent the financial institution from paying the serving officer, as provided in subsection (h) of this section, the judgment debtor shall give notice of a claim of exemption by delivering to the financial institution, by mail or other means, the exemption claim form or other written notice that an exemption is being claimed and any such secured party shall give notice of its claim of a prior perfected security interest in such deposit account by delivering to the financial institution, by mail or other means, written notice thereof. The financial institution may designate an address to which the notice of a claim of exemption, or a secured party claim notice, shall be delivered. Upon receipt of such

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notice, the financial institution shall, within two business days, send a copy of such notice to the clerk of the court which issued the execution, and send a copy of such notice, or a separate notice prepared by the financial institution indicating that the judgment debtor has submitted a claim of exemption, to the serving officer.

(f) (1) Upon receipt of an exemption claim form or a secured party claim notice, the clerk of the court shall enter the appearance of the judgment debtor or such secured party with the address set forth in the exemption claim form or secured party claim notice. The clerk shall forthwith send file-stamped copies of the exemption claim form or secured party claim notice to the judgment creditor and judgment debtor with a notice stating that the disputed funds are being held for forty-five days from the date the exemption claim form or secured party claim notice was received by the financial institution or until a court order is entered regarding the disposition of the funds, whichever occurs earlier, and the clerk shall promptly schedule the matter for a hearing. The claim of exemption filed by such judgment debtor shall be prima facie evidence at such hearing of the existence of the exemption.

(2) Upon receipt of notice from the financial institution pursuant to subsection (c) of this section, a judgment creditor may, on an ex parte basis, present to a judge of the Superior Court an affidavit sworn under oath by a competent party demonstrating a reasonable belief that such judgment debtor's account contains funds which are not exempt from execution and the amount of such nonexempt funds. Such affidavit shall not be conclusory but is required to show the factual basis upon which the reasonable belief is based. If such judge finds that the judgment creditor has demonstrated a reasonable belief that such judgment debtor's account contains funds which are not exempt from execution, such judge shall authorize the judgment creditor to submit a written application to the clerk of the court for a hearing on the exempt status of funds left in the judgment debtor's account pursuant to subsection (c)

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of this section. The judgment creditor shall promptly send a copy of the application and the supporting affidavit to the judgment debtor and to any secured party shown on a secured party claim notice sent to the judgment creditor pursuant to subdivision (1) of this subsection. Upon receipt of such application, the clerk of the court shall promptly schedule the matter for a hearing and shall give written notice to the judgment creditor, the judgment debtor and any secured party shown on a secured party claim notice received by the clerk of the court. The notice to the judgment creditor pursuant to subsection (c) of this section shall be prima facie evidence at such hearing that the funds in the account are exempt funds. The burden of proof shall be upon the judgment creditor to establish the amount of funds which are not exempt.

(g) If an exemption claim is made or a secured party claim notice is given pursuant to subsection (e) of this section, the financial institution shall continue to hold the amount removed from the judgment debtor's account for forty-five days or until a court order is received regarding disposition of the funds, whichever occurs earlier. If no such order is received within forty-five days of the date the financial institution sends a copy of the exemption claim form or notice of exemption or a secured party claim notice to the clerk of the court, the financial institution shall return the funds to the judgment debtor's account.

(h) If no claim of exemption or secured party claim notice is received by the financial institution within fifteen days of the mailing to the judgment debtor and any secured party of the execution and exemption claim form pursuant to subsection (d) of this section, the financial institution shall, upon demand, forthwith pay the serving officer the amount removed from the judgment debtor's account, and the serving officer shall thereupon pay such sum, less such serving officer's fees and costs owing to such serving officer under this section, to the judgment creditor, except to the extent otherwise ordered by a court.

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(i) The court, after a hearing conducted pursuant to subsection (f) of this section, shall enter an order determining the issues raised by the claim of exemption and claim by a secured party of a prior perfected security interest in such deposit account. The clerk of the court shall forthwith send a copy of such order to the financial institution. Such order shall be deemed to be a final judgment for the purposes of appeal. No appeal shall be taken except within seven days of the rendering of the order. The order of the court may be implemented during such seven-day period, unless stayed by the court.

(j) Except as otherwise provided in subsection (c) of this section, if both exempt and nonexempt moneys have been deposited into an account, for the purposes of determining which moneys are exempt under this section, the moneys most recently deposited as of the time the execution is served shall be deemed to be the moneys remaining in the account.

(k) The execution, exemption claim form and clerk's notice regarding the filing of a claim of exemption shall be in such form as prescribed by the judges of the Superior Court or their designee. The exemption claim form shall be dated and include a checklist and description of the most common exemptions, instructions on the manner of claiming the exemptions and a space for the judgment debtor to certify those exemptions claimed under penalty of false statement.

(l) If records or testimony are subpoenaed from a financial institution in connection with a hearing conducted pursuant to subsection (f) of this section, the reasonable costs and expenses of the financial institution in complying with the subpoena shall be recoverable by the financial institution from the party requiring such records or testimony, provided, the financial institution shall be under no obligation to attempt to obtain records or documentation relating to the account executed against which are held by any other financial institution. The records of a financial institution as to the dates and amounts of deposits

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into an account in the financial institution shall, if certified as true and accurate by an officer of the financial institution, be admissible as evidence without the presence of the officer in any hearing conducted pursuant to subsection (f) of this section to determine the legitimacy of a claim of exemption made under this section.

(m) If there are moneys to be removed from the judgment debtor's account, prior to the removal of such moneys pursuant to subsection (c) of this section, the financial institution shall receive from the serving officer as representative of the judgment creditor a fee of eight dollars for the financial institution's costs in complying with the provisions of this section which fee (1) shall be deducted by the financial institution from the amount that is paid to the serving officer pursuant to this section, and (2) may be recoverable by the judgment creditor as a taxable cost of the action. Such fee shall not be considered a deposit account charge pursuant to section 36a-316.

(n) If the financial institution fails or refuses to pay over to the serving officer the amount of such debt, not exceeding the amount due on such execution, such financial institution shall be liable in an action therefor to the judgment creditor named in such execution for the amount of nonexempt moneys which the financial institution failed or refused to pay over, excluding funds of up to one thousand dollars which the financial institution in good faith allowed the judgment debtor to access pursuant to subsection (c) of this section. The amount so recovered by such judgment creditor shall be applied toward the payment of the amount due on such execution. Thereupon, the rights of the financial institution shall be subrogated to the rights of the judgment creditor. If such financial institution pays exempt moneys from the account of the judgment debtor over to the serving officer contrary to the provisions of this section, such financial institution shall be liable in an action therefor to the judgment debtor for any exempt moneys so paid and such financial institution shall refund or waive any charges or fees by the

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financial institution, including, but not limited to, dishonored check fees, overdraft fees or minimum balance service charges and legal process fees, which were assessed as a result of such payment of exempt moneys. Thereupon, the rights of the financial institution shall be subrogated to the rights of the judgment debtor.

(o) Except as provided in subsection (n) of this section, no financial institution or any officer, director or employee of such financial institution shall be liable to any person with respect to any act done or omitted in good faith or through the commission of a bona fide error that occurred despite reasonable procedures maintained by the financial institution to prevent such errors in complying with the provisions of this section.

(p) Nothing in this section shall in any way restrict the rights and remedies otherwise available to a judgment debtor or any such secured party at law or in equity.

(q) Nothing in this section shall in any way affect any rights of the financial institution with respect to uncollected funds credited to the account of the judgment debtor, which rights shall be superior to those of the judgment creditor.

(r) For the purposes of this subsection, "exempt" has the same meaning as provided in subdivision (3) of section 52-352a. Funds deposited in an account that has been established for the express purpose of receiving electronic direct deposits of public assistance or of Title IV-D child support payments from the Department of Social Services shall be exempt.

Sec. 2. Section 52-367a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) As used in this section and section 52-367b, as amended by this act, "financial institution" means any bank, savings bank, savings and

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loan association or credit union organized, chartered or licensed under the laws of this state or the United States and having its main office in this state, any similar out-of-state institution having a branch office in this state or any similar out-of-state institution having no main office or branch office in this state and where transactions are made via the Internet or electronic means.

(b) (1) Execution may be granted pursuant to this section against any debts due from any financial institution to a judgment debtor which is not [a natural person] an individual. If execution is desired against any such debt, the plaintiff requesting the execution shall make application to the clerk of the court. The application shall be accompanied by a fee of one hundred five dollars payable to the clerk of the court for the administrative costs of complying with the provisions of this section which fee may be recoverable by the judgment creditor as a taxable cost of the action. The clerk shall issue such execution containing a direction that the officer serving such execution shall make demand [(1)] (A) upon the main office of any financial institution having its main office within the county of the serving officer, [(2)] (B) if such main office is not within the serving officer's county and such financial institution has one or more branch offices within such county, upon an employee of such a branch office, such employee and branch office having been designated by the financial institution in accordance with regulations adopted by the Banking Commissioner, in accordance with chapter 54, or [(3)] (C) only upon demand of a financial institution which does not have any main office or branch office in this state, by certified mail, return receipt requested, for the payment of any debt due to the judgment debtor, and, after having made such demand, shall serve a true and attested copy thereof, with the serving officer's actions thereon endorsed, with the financial institution upon whom such demand is made. When service is made by the serving officer by certified mail pursuant to subparagraph (C) of this subdivision, the serving officer may collect the actual postage costs incurred, in addition to the serving officer's fee, from the amount

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removed from the judgment debtor's account, if any, pursuant to subsection (c) of this section. The serving officer shall not serve more than one financial institution execution per judgment debtor at a time, including copies thereof. After service of an execution on one financial institution, the serving officer shall not serve the same execution or a copy thereof upon another financial institution until receiving confirmation from the preceding financial institution that the judgment debtor had insufficient funds at the preceding financial institution available for collection to satisfy the execution. [If the serving officer does not receive within twenty-five days of the service of the demand a response from the financial institution that was served indicating whether or not the taxpayer has funds at the financial institution available for collection, the serving officer may assume that sufficient funds are not available for collection and may proceed to serve another financial institution in accordance with this subsection.] The financial institution shall provide the serving officer a response to the service of such execution in accordance with subdivision (2) of this subsection.

(2) Not later than the seventh business day after the service of an execution upon a financial institution, the financial institution shall send to the serving officer by first class mail, postage prepaid, (A) if the financial institution has removed funds from the judgment debtor's account pursuant to the execution and this section, a notice stating the amount of funds removed from the judgment debtor's account and referencing the docket number, if provided by the judgment creditor on the execution form, or (B) if the judgment debtor is not indebted to the financial institution or if the financial institution has not removed funds from the judgment debtor's account pursuant to the execution and this section, a complete set of all the documents served on the financial institution by the serving officer, including the cover page of the serving officer, with endorsements from other financial institutions, as the case may be, and the original true and attested copy of the execution served on the financial institution. The response of the financial institution

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pursuant to subparagraph (B) of this subdivision shall include a notation on the serving officer's cover page, or at the financial institution's option, on a separate document prepared by the financial institution, to the effect that the judgment debtor does not have an account with the financial institution or that no funds were removed from the account, provided that such separate document be affixed to, or enclosed contiguous to the financial institution's return of a particular execution to the serving officer pursuant to this subsection. The financial institution shall maintain reasonable procedures to prevent the resubmission of a response provided to the serving officer pursuant to subparagraph (B) of this subdivision. As used in this section, "business day" has the same meaning as provided in section 36a-330.

(c) If any such financial institution upon which such execution is served and upon which such demand is made is indebted to the judgment debtor, the financial institution shall remove from the judgment debtor's account the amount of such indebtedness not exceeding the amount due on such execution. Except as provided in subsection (d) of this section, the financial institution shall immediately pay to such serving officer the amount removed from the judgment debtor's account, which amount shall be received and applied on such execution by such serving officer. Such financial institution shall act upon such execution according to section 42a-4-303 before its midnight deadline, as defined in section 42a-4-104. Nothing in this subsection shall be construed to affect any other rights or obligations of the financial institution with regard to funds in the judgment debtor's account.

(d) If the deposit account is subject to a security interest of a secured party, other than the financial institution upon which such execution is served and upon which such demand is made, pursuant to a control agreement between the financial institution and such secured party under article 9 of title 42a, and if any funds are removed from the

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judgment debtor's account pursuant to subsection (c) of this section, the financial institution shall forthwith mail a copy of the execution when received from the serving officer, postage prepaid, to the judgment debtor and to such other secured party at the last-known address of such parties with respect to the affected accounts on the records of the financial institution. The financial institution shall hold the amount removed from the judgment debtor's account pursuant to subsection (c) of this section for twenty days from the date of the mailing to the judgment debtor and such other secured party, and during such period shall not pay the serving officer.

(e) To prevent the financial institution from paying the serving officer, as provided in subsection (h) of this section, such other secured party shall give notice of its prior perfected security interest in such deposit account, by delivering to the clerk of the court that issued the execution a written claim for determination of interests in property pursuant to section 52-356c and by delivering a copy of such claim to the financial institution upon which such execution is served.

(f) Upon receipt of a written claim for determination of interests in property made pursuant to subsection (e) of this section, the clerk of the court shall enter the appearance of the secured party with the address set forth in the written claim. The clerk shall forthwith send file-stamped copies of the written claim to the judgment creditor, the judgment debtor and the financial institution upon which such execution was served with a notice stating that the disputed funds are being held until a court order is entered regarding the disposition of the funds. The judgment creditor shall thereafter send a copy of such written claim to the serving officer.

(g) If a written claim for determination of interests in property is made pursuant to subsection (e) of this section, the financial institution shall continue to hold the amount removed from the judgment debtor's account until a court order is received regarding disposition of the

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funds.

(h) If no written claim for determination of interests in property is made pursuant to subsection (e) of this section, the financial institution shall, upon demand, forthwith pay the serving officer the amount removed from the judgment debtor's account, and the serving officer shall thereupon pay such sum, less such serving officer's fees, to the judgment creditor, except to the extent otherwise ordered by a court.

(i) If a written claim for determination of interests in property is made pursuant to subsection (e) of this section, the clerk of the court, after a judgment or order is entered pursuant to section 52-356c, shall forthwith send a copy of such judgment or order to the financial institution. Such judgment or order shall be deemed to be a final judgment for the purposes of appeal. No appeal shall be taken except within seven days of the rendering of the judgment or order. The judgment or order of the court may be implemented during such seven-day period, unless stayed by the court.

(j) If records or testimony are subpoenaed from a financial institution in connection with a hearing conducted pursuant to section 52-356c on a written claim for determination of interests in property made pursuant to subsection (e) of this section, the reasonable costs and expenses of the financial institution in complying with the subpoena shall be recoverable by the financial institution from the party requiring such records or testimony, provided the financial institution shall be under no obligation to attempt to obtain records or documentation relating to the account executed against that are held by any other financial institution. The records of a financial institution as to the dates and amounts of deposits into an account in the financial institution shall, if certified as true and accurate by an officer of the financial institution, be admissible as evidence without the presence of the officer in any hearing conducted pursuant to section 52-356c to determine the legitimacy of a claim of an interest in property made under subsection (e) of this section.

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(k) If such financial institution fails or refuses to pay over to such serving officer the amount of such debt, not exceeding the amount due on such execution, such financial institution shall be liable in an action therefor to the judgment creditor named in such execution, and the amount so recovered by such judgment creditor shall be applied toward the payment of the amount due on such execution.

(l) Except as provided in subsection (k) of this section, no financial institution or any officer, director or employee of such financial institution shall be liable to any person with respect to any act done or omitted in good faith or through the commission of a bona fide error that occurred despite reasonable procedures maintained by the financial institution to prevent such errors in complying with the provisions of this section.

(m) Nothing in this section shall in any way restrict the rights and remedies otherwise available to a judgment debtor or to any such secured party at law or in equity.

Sec. 3. Subsection (d) of section 52-361a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(d) The levying officer shall levy on all earnings which are due or become due to the judgment debtor to the extent specified in the wage execution plus the levying officer's fee and [costs] any actual postage costs incurred in accordance with this section, until the judgment is satisfied, or the execution is modified or set aside, by serving the employer with the wage execution, the required notice of rights and the claim forms. On receipt thereof, the employer shall forthwith deliver a copy thereof to the judgment debtor, or mail such copy postage prepaid to the judgment debtor at his last-known address. On service of the wage execution on the employer, the wage execution shall automatically be stayed for a period of twenty days and shall thereafter immediately

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become a lien and continuing levy on such portion of the judgment debtor's earnings as is specified in the wage execution, provided if a claim is filed in accordance with subsection (d) of section 52-361b within twenty days of such service on the employer, the stay shall continue until determination of the claim. If the levying officer has served the employer of the judgment debtor in accordance with this section, and the debt is later satisfied in whole or in part by payment directly to the creditor or creditor's agent instead of the levying officer, the creditor or the creditor's agent is responsible for payment of the levying officer's fee or portion thereof, and any actual postage costs incurred in accordance with this section. Any service of process or other notice required under this section may be made in accordance with section 52-57 or by certified mail, return receipt requested, provided a levying officer may make such service by mail to (1) an address within such officer's [appointed jurisdiction] precinct or extension of precinct in accordance with section 52-56, as amended by this act, or (2) in a case involving an employer whose [address is not within such levying officer's appointed jurisdiction, to the address designated by the employer] payroll address is outside the state, to the out-of-state payroll address designated by the employer. When service is made by the serving officer by certified mail, return receipt requested, pursuant to this subsection, the officer may under the levy first collect the actual postage costs incurred.

Sec. 4. Section 52-50 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) All process shall be directed to a state marshal, a constable or other proper officer authorized by statute, or, subject to the provisions of subsection (b) of this section, to an indifferent person. A direction on the process "to any proper officer" shall be sufficient to direct the process to a state marshal, constable or other proper officer.

(b) Process shall not be directed to an indifferent person unless [more defendants than one are named in the process and are described to

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reside in different counties in the state, or unless, in case of a writ of attachment, the plaintiff or one of the plaintiffs, or his or their agent or attorney, makes oath before the authority signing the writ that the affiant truly believes the plaintiff is in danger of losing his debt or demand unless an indifferent person is deputed for the immediate service of the writ or other process. The authority signing the writ shall certify on the writ that he administered the oath and insert in the writ the name of the person to whom it is directed, but he need not insert the reason for such direction. Any process directed to an indifferent person by reason of such an affidavit shall be abatable on proof that the party making the affidavit did not have reasonable grounds, at the time of making it, for believing the statements in the affidavit to be true] authorized by statute. Any indifferent person who, knowing that he is not authorized to do so under this section or any other provision of the general statutes, serves process shall be guilty of a class A misdemeanor.

(c) Service of motions for modification, motions for contempt and wage withholdings in any matter involving a beneficiary of care or assistance from the state and in other IV-D child support cases may be made by any investigator employed by the Commissioner of Administrative Services or the Commissioner of Social Services.

(d) Service of motions for modification, motions for contempt and wage withholdings in any matter involving child support, including, but not limited to, petitions for support authorized under sections 17b-745 and 46b-215, and those matters involving a beneficiary of care or assistance from the state, and service of other process in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, may be made by a support enforcement officer or support services investigator of the Superior Court.

(e) Borough bailiffs may, within their respective boroughs, execute all legal process which state marshals or constables may execute.

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Sec. 5. Subsection (c) of section 12-162 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(c) Any officer serving an alias tax warrant pursuant to this section shall make return to the collector of such officer's actions thereon within ten days of the completion of such service and shall be entitled to collect from such person the fees allowed by law for serving executions issued by any court. Any state marshal or constable, authorized as provided in this section, who executes such warrant and collects any delinquent municipal taxes or water or sanitation charges as a result thereof shall receive, in addition to expenses otherwise allowed, a percentage of the taxes or the water or sanitation charges collected pursuant to such warrant, calculated at the rate applicable for the levy of an execution as provided in section 52-261. [The minimum fee for such service shall be thirty dollars.] Any officer unable to serve such warrant shall, within sixty days after the date of issuance, return such warrant to the collector and in writing state the reason it was not served.

Sec. 6. Subsection (c) of section 52-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(c) In any action where process is permitted to be served upon the Secretary of the State, the Commissioner of Motor Vehicles, the Attorney General, [or] the Insurance Commissioner or the Comptroller, service of such process may be made by any officer of any precinct having such process in his hands for service. Service by an officer upon the Secretary of the State, the Commissioner of Motor Vehicles, the Attorney General, [or] the Insurance Commissioner or the Comptroller pursuant to this subsection shall constitute the commencement of service within such officer's precinct and such officer may then complete service as provided in subsection (a) or (b) of this section.

Substitute House Bill No. 6786

Approved June 7, 2023