

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 469

BY SENATORS WILLIAMS AND SYPOLT

[Introduced February 2, 2106;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §38-8-1 of the Code of West Virginia, 1931, as amended, relating
2 to exemptions of personal property from execution or other process; removing wages and
3 salary from list of items subject to the one-time, \$15,000 exemption; providing that wages
4 and salary are automatically exempted from levy execution up to a certain amount; and
5 clarifying that wages and salary above that automatic exemption amount may not be
6 exempted from levy.

Be it enacted by the Legislature of West Virginia:

1 That §38-8-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 8. EXEMPTIONS FROM LEVY.

§38-8-1. Exemptions of personal property.

1 (a) Any individual residing in this state, or the dependent of such individual, may set apart
2 and hold as exempt from execution or other process the following personal property:

3 (1) Such individual's interest, not to exceed \$5,000 in value, in one motor vehicle;

4 (2) Such individual's interest, not to exceed \$8,000 in aggregate value, in household
5 goods, furniture, toys, animals, appliances, books and wearing apparel that are held primarily for
6 the personal, family or household use of such individual;

7 (3) Such individual's aggregate interest, not to exceed \$3,000, in any implements,
8 professional books or tools of such individual's trade;

9 (4) Such individual's funds on deposit in a federally insured financial institution, ~~wages or~~
10 ~~salary~~ not to exceed ~~the greater of: (i) \$1,000; or (ii) one hundred twenty-five percent of the~~
11 ~~amount of the annualized federal poverty level of such individual's household divided by the~~
12 ~~number of pay periods for such individual per year; and~~

13 (5) Funds on deposit in an individual retirement account (IRA), including a simplified
14 employee pension (SEP), in the name of such individual: *Provided*, That the amount is exempt

15 only to the extent it is not, or has not been, subject to an excise or other tax on excess
16 contributions under Section 4973 or Section 4979 of the Internal Revenue Code of 1986, or both
17 sections, or any successor provisions, regardless of whether the tax is or has been paid.

18 (b) Notwithstanding the foregoing, in no case may an individual residing in this state, or
19 the dependent of such individual, exempt from execution or other process more than \$15,000 in
20 the aggregate in personal property listed in subdivisions (1), (2), (3) and (4), subsection (a) of this
21 section.

22 (c) Wages or salary are automatically exempt from execution or other process but only to
23 the extent set forth in section three, article five-a of this chapter. No person may file for an
24 exemption of wages or salary pursuant to this section in an amount above that set forth in section
25 three, article five-a of this chapter.

NOTE: The purpose of this bill is to clarify what personal funds are subject to exemption from levy following a judgment.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.