

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2306

By Delegate Howell

[Introduced January 11, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §46A-2-141, relating to exempting certain assets from collections by creditors.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-141. Exempting certain classes of property from collections.

1 (a) The provisions of this section apply to permanent residents of the State of West
2 Virginia.

3 (b) Notwithstanding the provisions of this article, the following classes of property are
4 assets not subject to collection, judgment, or garnishment for default of any consumer credit or
5 installment obligation:

6 (1) Head of household wages up to the federal or state minimum wages, applied at a full
7 time rate of 50 hours per week, 52 weeks per year. Wages above this minimum threshold are
8 subject to garnishment under this article,

9 (2) Annuities or life insurance proceeds paid to the debtor including any applicable cash
10 surrender value,

11 (3) The first \$5,000 of assessed value of a homestead that is used and occupied by the
12 owner thereof exclusively for residential purposes,

13 (4) Tax advantage retirement accounts, including Roth IRA, IRA, and 401k,

14 (5) Disability or death benefit income,

15 (6) Prepaid college funding accounts, and

16 (7) Social security income.

NOTE: The purpose of this bill is to provide certain classes of assets exempt from collection, judgment, or garnishment for default of any consumer credit or installment obligation.

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