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Chapter Ind 78

WAGE GARNISHMENT

Ind 78.01 Allowance

Ind 78.01 Allowance. (1) When earnings are the subject of a garnishment action, the garnishee shall pay over to the principal defendant on the date when the earnings would normally be payable, a subsistence allowance which is the greater of the following:

(a) *Monthly basis.* 75% of the disposable earnings earned then due or owing; or an amount equal to 130 times the federal minimum wage.

(b) *Weekly basis.* 75% of the defendant's disposable earnings then due or owing; or an amount equal to 30 times the federal minimum hourly wage for each full week of the pay period.

(c) *Daily basis.* 75% of the disposable earnings earned then due or owing; or an amount equal to 6 times the federal minimum wage.

(d) *Commission or bonus basis.* 75% of the earnings earned then due or owing; or an amount equal to that computed under (a), (b), or (c) above.

(2) For the purpose of this rule "federal minimum hourly wage" means that wage prescribed by section 6 (a) (1) of the fair labor standards act of 1938 as amended.

History: Cr. Register, January, 1970, No. 169, eff. 2-1-70.