

afford to pay the nonexempt portion of his wages into the plan and who has many or large debts may not be able to avail himself of the procedure.

The Ohio and Wisconsin statutes provide procedures that resemble the federal wage earners' plans⁸¹ and that may, particularly in Ohio, be simpler and less costly to use than the federal plan, as well as more readily accessible to the average debtor.

Exemption statutes often provide lower exemptions for single persons than for heads of families. California, in effect, makes such a differentiation. Bachelors need less money to live on, so the thinking apparently goes. This may be true, but the value of such a statutory distinction is doubtful, especially in states where the exemption is a percentage of earnings rather than a flat amount. The unmarried person will often be either young, starting his career and at a fairly low level of earnings, or divorced and making support payments. In either case, to maintain a minimum standard of living he is likely to need about as high a percentage of his earnings as a married person.

Some statutes also limit the exemption to residents, adding a complication of dubious value. There is substantial merit in having an exemption statute that is uniform in its operation and easily understood and administered. Illinois a few years ago changed from a dollar exemption limited to heads of families to a percentage exemption applicable to everyone; the drafters took care to make clear the general applicability of the statute: "This exemption (and no other) applies irrespective of (1) the marital status of the employee, (2) the place where the compensation was earned or payable, and (3) the state where the employee resides."⁸² Other large states whose exemptions disregard marital status are Pennsylvania, Texas, New Jersey, and New York.⁸³ By contrast, the Florida exemption applies only to resident heads of families, Ohio limits single men to one hundred dollars a month, and Michigan has an incredibly complicated scheme, uniquely its own, that distinguishes between householders and others, first and subsequent garnishments, and weekly and other pay periods.⁸⁴

II

FORMULATING A WAGE GARNISHMENT POLICY

Should California continue to permit wage garnishments? If so, under what conditions? With what kind and amount of wage exemption? To

⁸¹ The so-called chapter 13 proceedings, 52 Stat. 93 (1938), as amended, 11 U.S.C. §§ 1001-86 (1964).

⁸² ILL. REV. STAT. § 62-73 (1963). The change took place in two stages, the first occurring in 1959 and making the exemption uniform. Ill. Laws 1959, Garnishment Act § 6, at 1959; Ill. Laws 1961, Wage Deduction Act, § 3, at 1470. For the pre-1959 law see ILL. REV. STAT. § 62-14 (1957).

⁸³ See Appendix A *infra*.

⁸⁴ Notes 187, 214, 201 *infra*.