START\_STATUTE12-1598.  Definitions

In this article, unless the context otherwise requires:

1.  "Debt scheduling" means counseling and assistance provided to persons by a qualified debt counseling organization if:

(a)  The counseling and assistance are manifested by a written agreement.

(b)  The persons pay that portion of their income that has been determined to not be required to make payments for support of a person or to maintain health or the essentials of life.

(c)  The payments are made to the qualified debt counseling organization until the debts are fully satisfied.

(d)  The debts are determined as follows:

(i)  The creditors are notified by the qualified debt counseling organization of the person's intent to participate in debt scheduling and of their opportunity to object to the participation within fifteen days after receiving the notice.

(ii)  A creditor not so notified is not subject to the agreement.

(iii)  A creditor who timely objects, in writing, is not subject to the agreement.

(iv)  A creditor who does not timely respond to the notice, in writing, is subject to the agreement.

(e)  The agreement is terminated on the occurrence of any of the following:

(i)  Agreement of the parties.

(ii)  Payment in full.

(iii)  Death of the persons.

(iv)  Filing of a voluntary or involuntary petition in bankruptcy.

(v)  Failure to pay, within fifteen days of its due date, any payment due under the agreement.

2.  "Deliver" means any of the following:

(a)  To hand deliver.

(b)  To mail by regular first class mail to the address which the sender determines through reasonable good faith efforts to be best calculated to reach the recipient in a timely manner.

(c)  To serve on a party pursuant to the rules of civil procedure applicable to service of a summons.

3.  "Disposable earnings" means that amount remaining from the gross earnings for a pay period after the deductions required by state and federal law.

4.  "Earnings" means compensation paid or payable for personal services, whether these payments are called wages, salary, commission, bonus or otherwise.  Earnings include periodic payments pursuant to a pension or retirement program.

5.  "Effective agreement" means an agreement under which no act of termination has occurred.

6.  "Exempt earnings" means those earnings or that portion of earnings which pursuant to state or federal law is not subject to judicial process including garnishment.

7.  "Good faith" means honesty in fact in the conduct or transaction concerned.

8.  "Judgment creditor" means a party who has a money judgment or an order for support of a person that is due and unpaid.

9.  "Judgment debtor" means a party against whom a money judgment or order for support of a person has been awarded.

10.  "Nonexempt earnings" means those earnings or that portion of earnings which is subject to judicial process including garnishment.

11.  "Payday" means the fixed, regular day for payment of wages designated by an employer pursuant to section 23‑351.

12.   "Qualified debt counseling organization" means a nonprofit corporation authorized to do business in this state for the purpose of counseling persons with respect to their financial obligations and assisting them in dealing with their creditors.

13.  "Receipt" means actually received. END\_STATUTE