

Chapter 4 Joint Obligations

15-4-1 Definitions.

As used in this chapter:

- (1) "Obligation" includes a liability in tort and contractual obligations.
- (2) "Obligee" includes a creditor and a person having a right based on a tort.
- (3) "Obligor" includes a debtor and a person liable for a tort.
- (4)
 - (a) "School fee" means a charge, deposit, rent, or other mandatory payment imposed by:
 - (i) a public school as defined in Section 26B-2-401; or
 - (ii) a private school that provides education to students in any grade from kindergarten through grade 12.
 - (b) "School fee" includes:
 - (i) an admission fee;
 - (ii) a transportation charge; or
 - (iii) a charge, deposit, rent, or other mandatory payment imposed by a third party in connection with an activity or function sponsored by a school described in Subsection (4)(a).
- (5) "Several obligors" means obligors severally bound for the same performance.
- (6) "Waiver" means the act of not requiring an individual to pay an amount that the individual otherwise owes.

Amended by Chapter 327, 2023 General Session

15-4-2 Discharge of co-obligors by judgment.

A judgment against one or more of several obligors, or against one or more of joint or of joint and several obligors, may not discharge a co-obligor who was not a party to the proceeding wherein the judgment was rendered.

Amended by Chapter 378, 2010 General Session

15-4-3 Payments by co-obligor.

The amount or value of any consideration received by the obligee from one or more of several obligors, or from one or more of joint or of joint and several obligors, in whole or in partial satisfaction of their obligations shall be credited to the extent of the amount received on the obligation of all co-obligors to whom the obligor or obligors giving the consideration did not stand in the relation of a surety.

No Change Since 1953

15-4-4 Release of co-obligor -- Reservation of rights.

Subject to the provisions of Section 15-4-3, the obligee's release or discharge of one or more of several obligors, or of one or more of joint or of joint and several obligors, does not discharge co-obligors against whom the obligee in writing and as part of the same transaction as the release or discharge expressly reserves his rights; and in the absence of such a reservation of rights shall discharge co-obligors only to the extent provided in Section 15-4-5.

Amended by Chapter 378, 2010 General Session

15-4-5 Release of co-obligor -- Effect of knowledge of obligee.

- (1) If an obligee releasing or discharging an obligor without express reservation of rights against a co-obligor then knows or has reason to know that the obligor released or discharged did not pay as much of the claim as he was bound by his contract or relation with that co-obligor to pay, the obligee's claim against that co-obligor shall be satisfied to the amount which the obligee knew or had reason to know that the released or discharged obligor was bound to such co-obligor to pay.
- (2) If an obligee so releasing or discharging an obligor has not then such knowledge or reason to know, the obligee's claim against the co-obligor shall be satisfied to the extent of the lesser of two amounts, namely:
 - (a) the amount of the fractional share of the obligor released or discharged; or
 - (b) the amount that such obligor was bound by his contract or relation with the co-obligor to pay.

No Change Since 1953

15-4-6 Death of joint obligor -- Survivorship.

On the death of a joint obligor in contract his executor or administrator shall be bound as such jointly and severally with the surviving obligor or obligors.

No Change Since 1953

15-4-6.5 Divorce or separate maintenance of co-obligors.

- (1) On the entering of a decree of divorce or separate maintenance of joint debtors in contract, the claim of a creditor remains unchanged unless otherwise provided by the contract or until a new contract is entered into between the creditor and the debtors individually.
- (2) In addition to the creditor's duties as a secured party under Title 70A, Chapter 9a, Uniform Commercial Code - Secured Transactions, and the creditor's duties as a trustee or beneficiary of a trust deed under Title 57, Chapter 1, Conveyances, a creditor, who has been notified by service of a copy of a court order under Section 30-3-5 or 30-4-3 that the debtors are divorced or living separately under an order for separate maintenance, and who has been expressly advised of the separate, current addresses of the debtors either by the court order or by other written notice, shall provide to the debtors individually all statements, notices, and other similar correspondence required by law or by the contract.
- (3)
 - (a) Except as provided in Subsection (3)(b), a creditor may continue to make negative credit reports of joint debtors under Section 70C-7-107 and may report the repayment practices or credit history of joint debtors under Title 7, Chapter 14, Credit Information Exchange.
 - (b) With respect to a debtor who is not ordered by the court under Sections 30-3-5 or 30-4-3 to make payments on a joint obligation, no negative credit report under Section 70C-7-107, and no report of the debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange, may be made regarding the joint obligation after the creditor is served notice of the court's order as required under Subsection (2), unless the creditor has made a demand on the debtor for payment because of the failure to make payments by the other debtor, who is ordered by the court to make the payments.

Amended by Chapter 252, 2000 General Session

15-4-6.7 Medical and miscellaneous expenses of minor children -- Collection and billing pursuant to court or administrative order of child support.

- (1) When a court enters an order that provides for the payment of medical and dental expenses of a minor child under Section 30-3-5, 30-4-3, or 78B-12-111, or an administrative order under Section 26B-9-224, a provider who receives a copy of the order:
 - (a) at or before the time the provider renders medical or dental services to the minor child shall, upon request from either parent, separately bill each parent for the share of the medical and dental expenses that the parent is required to pay under the order; or
 - (b) within 30 days after the day on which the provider renders the medical or dental service, may not:
 - (i) make a claim for unpaid medical and dental expenses against a parent who has paid in full the share of the medical and dental expenses that the parent is required to pay under the order; or
 - (ii) make a negative credit report under Section 70C-7-107, or report of the debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange, regarding a parent who has paid in full the share of the medical and dental expenses that the parent is required to pay under the order.
- (2)
 - (a) When a court enters an order that provides for the payment of school fees of a minor child under Section 30-3-5 or 30-4-3:
 - (i) a provider who receives a copy of the order before the day on which the provider first issues a bill for a school fee shall, upon request from either parent, separately bill each parent for the share of the school fee that the parent is required to pay under the order;
 - (ii) a provider who receives a copy of the order, regardless of whether the provider receives the copy before, on, or after the day on which the provider first issues a bill for the school fee may not make a negative credit report under Section 70C-7-107, or report of the debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange, regarding a parent who has paid in full the share of the school fee that the parent is required to pay under the order; and
 - (iii) each parent is liable only for the share of the school fee that the parent is required to pay under the order.
 - (b) A provider may bill a parent for the parent's share of a minor child's school fee under an order described in Subsection (2)(a) regardless of whether the provider grants the other parent a waiver for all or a portion of the other parent's share of the minor child's school fee.

Amended by Chapter 327, 2023 General Session

15-4-7 Effective date of chapter.

This chapter does not apply to obligations arising prior to July 1, 1929.

Amended by Chapter 378, 2010 General Session