

**CIVIL FILING FEES**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gregory S. Bell**

House Sponsor: Lorie D. Fowlke

**LONG TITLE**

**General Description:**

This bill increases several civil fees of the courts of record.

**Highlighted Provisions:**

This bill:

- ▶ increases several civil filing fees of courts of record.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-2-301**, as renumbered and amended by Laws of Utah 2008, Chapter 3

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78A-2-301** is amended to read:

**78A-2-301. Civil fees of the courts of record -- Courts complex design.**

(1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is [~~\$155~~] \$360.

(b) The fee for filing a complaint or petition is:

(i) [~~\$50~~] \$75 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) [~~\$95~~] \$185 if the claim for damages or amount in interpleader exclusive of court

30 costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

31 (iii) [~~\$155~~] \$360 if the claim for damages or amount in interpleader is \$10,000 or  
32 more;

33 (iv) [~~\$155~~] \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30,  
34 Chapter 4, Separate Maintenance; and

35 (v) [~~\$25~~] \$35 for a motion for temporary separation order filed under Section  
36 30-3-4.5.

37 (c) The fee for filing a small claims affidavit is:

38 (i) \$45 if the claim for damages or amount in interpleader exclusive of court costs,  
39 interest, and attorney fees is \$2,000 or less; and

40 (ii) \$70 if the claim for damages or amount in interpleader exclusive of court costs,  
41 interest, and attorney fees is greater than \$2,000.

42 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third  
43 party complaint, or other claim for relief against an existing or joined party other than the  
44 original complaint or petition is:

45 (i) [~~\$45~~] \$55 if the claim for relief exclusive of court costs, interest, and attorney fees  
46 is \$2,000 or less;

47 (ii) [~~\$75~~] \$150 if the claim for relief exclusive of court costs, interest, and attorney  
48 fees is greater than \$2,000 and less than \$10,000;

49 (iii) [~~\$105~~] \$155 if the original petition is filed under Subsection (1)(a), the claim for  
50 relief is \$10,000 or more, or the party seeks relief other than monetary damages; and

51 (iv) [~~\$85~~] \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or  
52 Title 30, Chapter 4, Separate Maintenance.

53 (e) The fee for filing a small claims counter affidavit is:

54 (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is  
55 \$2,000 or less; and

56 (ii) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is  
57 greater than \$2,000.

58 (f) The fee for depositing funds under Section 57-1-29 when not associated with an  
59 action already before the court is determined under Subsection (1)(b) based on the amount  
60 deposited.

61 (g) The fee for filing a petition is:

62 (i) [~~\$75~~] \$225 for trial de novo of an adjudication of the justice court or of the small  
63 claims department; and

64 (ii) [~~\$55~~] \$65 for an appeal of a municipal administrative determination in accordance  
65 with Section 10-3-703.7.

66 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
67 petition for writ of certiorari is [~~\$205~~] \$225.

68 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a  
69 petition for expungement is [~~\$65~~] \$135.

70 (ii) There is no fee for a petition filed under Subsection 77-18-10(2).

71 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
72 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'  
73 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'  
74 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement  
75 Act.

76 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be  
77 allocated by the state treasurer to be deposited in the restricted account, Children's Legal  
78 Defense Account, as provided in Section 51-9-408.

79 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),  
80 and (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in  
81 Section 78B-6-209.

82 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),  
83 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be  
84 deposited in the restricted account, Court Security Account, as provided in Section  
85 78A-2-602.

86 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and  
87 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court  
88 Security Account, as provided in Section 78A-2-602.

89 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
90 United States is [~~\$25~~] \$35.

91 (l) The fee for filing probate or child custody documents from another state is [~~\$25~~]  
92 \$35.

93 (m) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the  
94 Utah State Tax Commission is \$30.

95 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this  
96 state or a judgment, order, or decree of an administrative agency, commission, board, council,  
97 or hearing officer of this state or of its political subdivisions other than the Utah State Tax  
98 Commission, is [~~\$40~~] \$50.

99 (n) The fee for filing a judgment by confession without action under Section  
100 78B-5-205 is [~~\$25~~] \$35.

101 (o) The fee for filing an award of arbitration for confirmation, modification, or  
102 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
103 action before the court is [~~\$25~~] \$35.

104 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is  
105 [~~\$40~~] \$100.

106 (q) The fee for filing any accounting required by law is:

107 (i) [~~\$10~~] \$15 for an estate valued at \$50,000 or less;

108 (ii) [~~\$20~~] \$30 for an estate valued at \$75,000 or less but more than \$50,000;

109 (iii) [~~\$40~~] \$50 for an estate valued at \$112,000 or less but more than \$75,000;

110 (iv) [~~\$80~~] \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

111 (v) [~~\$150~~] \$175 for an estate valued at more than \$168,000.

112 (r) The fee for filing a demand for a civil jury is [~~\$75~~] \$250.

113 (s) The fee for filing a notice of deposition in this state concerning an action pending

114 in another state under Utah Rule of Civil Procedure 26 is [~~\$25~~] \$35.

115 (t) The fee for filing documents that require judicial approval but are not part of an  
116 action before the court is [~~\$25~~] \$35.

117 (u) The fee for a petition to open a sealed record is [~~\$25~~] \$35.

118 (v) The fee for a writ of replevin, attachment, execution, or garnishment is [~~\$35~~] \$50  
119 in addition to any fee for a complaint or petition.

120 (w) (i) The fee for a petition for authorization for a minor to marry required by Section  
121 30-1-9 is \$5.

122 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter  
123 6, Part 8, Emancipation, is \$50.

124 (x) The fee for a certificate issued under Section 26-2-25 is [~~\$2~~] \$8.

125 (y) The fee for a certified copy of a document is \$4 per document plus 50 cents per  
126 page.

127 (z) The fee for an exemplified copy of a document is \$6 per document plus 50 cents  
128 per page.

129 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of  
130 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,  
131 Government Records Access and Management Act. Fees under this Subsection (1)(aa) shall  
132 be credited to the court as a reimbursement of expenditures.

133 (bb) There is no fee for services or the filing of documents not listed in this section or  
134 otherwise provided by law.

135 (cc) Except as provided in this section, all fees collected under this section are paid to  
136 the General Fund. Except as provided in this section, all fees shall be paid at the time the  
137 clerk accepts the pleading for filing or performs the requested service.

138 (dd) The filing fees under this section may not be charged to the state, its agencies, or  
139 political subdivisions filing or defending any action. In judgments awarded in favor of the  
140 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court  
141 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums

142 collected under this Subsection (1)(dd) shall be applied to the fees after credit to the judgment,  
143 order, fine, tax, lien, or other penalty and costs permitted by law.

144 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts  
145 shall transfer all revenues representing the difference between the fees in effect after May 2,  
146 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of  
147 Facilities Construction and Management Capital Projects Fund.

148 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities  
149 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the  
150 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary  
151 to initiate the development of a courts complex in Salt Lake City.

152 (B) If the Legislature approves funding for construction of a courts complex in Salt  
153 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and  
154 Management shall use the revenue deposited in the Capital Projects Fund under this  
155 Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

156 (C) After the courts complex is completed and all bills connected with its construction  
157 have been paid, the Division of Facilities Construction and Management shall use any monies  
158 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal  
159 District Court building.

160 (iii) The Division of Facilities Construction and Management may enter into  
161 agreements and make expenditures related to this project before the receipt of revenues  
162 provided for under this Subsection (2)(a)(iii).

163 (iv) The Division of Facilities Construction and Management shall:

164 (A) make those expenditures from unexpended and unencumbered building funds  
165 already appropriated to the Capital Projects Fund; and

166 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for  
167 under this Subsection (2).

168 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues  
169 representing the difference between the fees in effect after May 2, 1994, and the fees in effect

170 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
171 account.

172 (c) The Division of Finance shall deposit all revenues received from the court  
173 administrator into the restricted account created by this section.

174 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall  
175 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor  
176 Vehicles, in a court of record to the Division of Facilities Construction and Management  
177 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be  
178 calculated on the balance of the fine or bail forfeiture paid.

179 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer  
180 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in  
181 a court of record to the Division of Finance for deposit in the restricted account created by this  
182 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the  
183 balance of the fine or bail forfeiture paid.

184 (3) (a) There is created within the General Fund a restricted account known as the  
185 State Courts Complex Account.

186 (b) The Legislature may appropriate monies from the restricted account to the  
187 administrator of the courts for the following purposes only:

188 (i) to repay costs associated with the construction of the court complex that were  
189 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

190 (ii) to cover operations and maintenance costs on the court complex.