

**CIVIL FEES IN COURTS OF RECORD**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon J. Greiner**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill increases filing a small claims affidavit and small claims counter affidavit.

**Highlighted Provisions:**

This bill:

- ▶ increases the filing fee for a small claims affidavit from \$45 to \$90 if the claim, exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- ▶ increases the filing fee for a small claims affidavit from \$70 to \$140 if the claim, exclusive of court costs, interest, and attorney fees is more than \$2,000;
- ▶ increases the filling fee for a small claims counter affidavit from \$35 to \$70 if the claim, exclusive of court costs, interest, and attorney fees is \$2,000 or less; and
- ▶ increases the filing fee for a small claims counter affidavit from \$50 to \$100 if the claim, exclusive of court costs, interest, and attorney fees is more than \$2,000.

**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



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*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.

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

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

(ii) \$95 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

(iii) \$155 if the claim for damages or amount in interpleader is \$10,000 or more;

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

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

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

(i) ~~[\$45]~~ \$90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less; and

(ii) ~~[\$70]~~ \$140 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000.

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

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

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

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

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

- 59 (e) The fee for filing a small claims counter affidavit is:
- 60 (i) [~~\$35~~] \$70 if the claim for relief exclusive of court costs, interest, and attorney fees  
61 is \$2,000 or less; and
- 62 (ii) [~~\$50~~] \$100 if the claim for relief exclusive of court costs, interest, and attorney fees  
63 is greater than \$2,000.
- 64 (f) The fee for depositing funds under Section 57-1-29 when not associated with an  
65 action already before the court is determined under Subsection (1)(b) based on the amount  
66 deposited.
- 67 (g) The fee for filing a petition is:
- 68 (i) \$75 for trial de novo of an adjudication of the justice court or of the small claims  
69 department; and
- 70 (ii) \$55 for an appeal of a municipal administrative determination in accordance with  
71 Section 10-3-703.7.
- 72 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
73 petition for writ of certiorari is \$205.
- 74 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a  
75 petition for expungement is \$65.
- 76 (ii) There is no fee for a petition filed under Subsection 77-18-10(2).
- 77 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
78 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'  
79 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'  
80 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement  
81 Act.
- 82 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be  
83 allocated by the state treasurer to be deposited in the restricted account, Children's Legal  
84 Defense Account, as provided in Section 51-9-408.
- 85 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),  
86 and (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in  
87 Section 78B-6-209.
- 88 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),  
89 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be

90 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

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

94 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
95 United States is \$25.

96 (l) The fee for filing probate or child custody documents from another state is \$25.

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

99 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state  
100 or a judgment, order, or decree of an administrative agency, commission, board, council, or  
101 hearing officer of this state or of its political subdivisions other than the Utah State Tax  
102 Commission, is \$40.

103 (n) The fee for filing a judgment by confession without action under Section  
104 78B-5-205 is \$25.

105 (o) The fee for filing an award of arbitration for confirmation, modification, or  
106 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
107 action before the court is \$25.

108 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is \$40.

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

110 (i) \$10 for an estate valued at \$50,000 or less;

111 (ii) \$20 for an estate valued at \$75,000 or less but more than \$50,000;

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

113 (iv) \$80 for an estate valued at \$168,000 or less but more than \$112,000; and

114 (v) \$150 for an estate valued at more than \$168,000.

115 (r) The fee for filing a demand for a civil jury is \$75.

116 (s) The fee for filing a notice of deposition in this state concerning an action pending in  
117 another state under Utah Rule of Civil Procedure 26 is \$25.

118 (t) The fee for filing documents that require judicial approval but are not part of an  
119 action before the court is \$25.

120 (u) The fee for a petition to open a sealed record is \$25.

121 (v) The fee for a writ of replevin, attachment, execution, or garnishment is \$35 in  
122 addition to any fee for a complaint or petition.

123 (w) (i) The fee for a petition for authorization for a minor to marry required by Section  
124 30-1-9 is \$5.

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

127 (x) The fee for a certificate issued under Section 26-2-25 is \$2.

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

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

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

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

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

141 (dd) The filing fees under this section may not be charged to the state, its agencies, or  
142 political subdivisions filing or defending any action. In judgments awarded in favor of the  
143 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court  
144 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums  
145 collected under this Subsection (1)(dd) shall be applied to the fees after credit to the judgment,  
146 order, fine, tax, lien, or other penalty and costs permitted by law.

147 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts  
148 shall transfer all revenues representing the difference between the fees in effect after May 2,  
149 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of  
150 Facilities Construction and Management Capital Projects Fund.

151 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities

152 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the  
153 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to  
154 initiate the development of a courts complex in Salt Lake City.

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

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

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

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

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

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

171 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues  
172 representing the difference between the fees in effect after May 2, 1994, and the fees in effect  
173 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
174 account.

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

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

182 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer

183 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in  
184 a court of record to the Division of Finance for deposit in the restricted account created by this  
185 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the  
186 balance of the fine or bail forfeiture paid.

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

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

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

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

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**Legislative Review Note**  
as of **2-5-09 6:25 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 176 - Civil Fees in Courts of Record Amendments**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations. It will increase General Fund revenues by \$997,000 beginning FY 2010.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$997,000	\$997,000
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$997,000</b>	<b>\$997,000</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill will increase small claims fees to individuals and businesses. Revenues to local governments through Justice Courts will increase by \$950,000.