

Representative Rebecca Chavez-Houck proposes the following substitute bill:

EXPENSES OF MINOR CHILDREN AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions related to joint obligations.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ under certain circumstances, requires a provider to separately bill the parents of a minor child for the portion of the minor child's expenses for which each parent is responsible under court order;
- ▶ under certain circumstances, prohibits a provider from making a negative credit report against a parent who has paid in full the portion of a minor child's school fees for which the parent is responsible under court order;
- ▶ addresses the effect of a waiver for one parent on the other parent's obligation to pay the other parent's portion of the minor child's school fees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **15-4-1**, as last amended by Laws of Utah 1991, Chapter 257

29 **15-4-6.7**, as last amended by Laws of Utah 2008, Chapter 3

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

32 Section 1. Section **15-4-1** is amended to read:

33 **15-4-1. Definitions.**

34 [~~It~~] As used in this chapter:

35 (1) "Obligation" includes a liability in tort and contractual obligations;

36 (2) "Obligee" includes a creditor and a person having a right based on a tort;

37 (3) "Obligor" includes a debtor and a person liable for a tort;

38 (4) (a) "School fee" means a charge, deposit, rent, or other mandatory payment

39 imposed by:

40 (i) a public school as defined in Section [26-39-102](#); or

41 (ii) a private school that provides education to students in any grade from kindergarten
42 through grade 12.

43 (b) "School fee" includes:

44 (i) an admission fee;

45 (ii) a transportation charge; or

46 (iii) a charge, deposit, rent, or other mandatory payment imposed by a third party in
47 connection with an activity or function sponsored by a school described in Subsection (4)(a).

48 [~~(4)~~] (5) "Several obligors" means obligors severally bound for the same performance.

49 (6) "Waiver" means the act of not requiring an individual to pay an amount that the
50 individual otherwise owes.

51 Section 2. Section **15-4-6.7** is amended to read:

52 **15-4-6.7. Medical and miscellaneous expenses of minor children -- Collection and**
53 **billing pursuant to court or administrative order of child support.**

54 (1) When a court enters an order [~~has been entered providing~~] that provides for the
55 payment of medical and dental expenses of a minor child [~~pursuant to~~] under Section [30-3-5](#),
56 [30-4-3](#), or [~~78B-12-212~~] [78B-12-111](#), or an administrative order under Section [62A-11-326](#), [a

57 ~~creditor who has been provided a copy of the order]~~ a provider who receives a copy of the
 58 order:

59 (a) at or before the time the provider renders medical or dental services to the minor
 60 child shall, upon request from either parent, separately bill each parent for the share of the
 61 medical and dental expenses that the parent is required to pay under the order; ~~it~~ ~~and~~ ~~or~~ ~~it~~

62 (b) ~~it~~ ~~regardless of whether the provider receives the copy before, during, or after~~ ~~within~~
 62a **30 days after the day on which** ~~it~~ ~~the~~
 63 provider renders the medical or dental service, may not:

64 (i) ~~may not~~ make a claim for unpaid medical and dental expenses against a parent
 65 who has paid in full ~~that~~ ~~the~~ share of the medical and dental expenses ~~required to be paid by~~
 66 that ~~the parent is required to pay under the order~~[-]; or

67 ~~(2) When a court order has been entered providing for the payment of medical and~~
 68 ~~dental expenses of a minor child pursuant to Section 30-3-5, 30-4-3, or 78B-12-212, or an~~
 69 ~~administrative order under Section 62A-11-326 and the creditor receives a copy of the order,~~
 70 ~~the creditor]~~

71 (ii) ~~may not~~ make a negative credit report under Section 70C-7-107, or report of the
 72 debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information
 73 Exchange, regarding a parent who has paid in full ~~that~~ ~~the~~ share of the medical and dental
 74 expenses ~~that the parent is required~~ ~~[to be paid by that parent]~~ ~~to pay~~ under the order.

75 (2) (a) When a court enters an order that provides for the payment of school fees of a
 76 minor child under Section 30-3-5 or 30-4-3:

77 (i) a provider who receives a copy of the order before the day on which the provider
 78 first issues a bill for a school fee shall, upon request from either parent, separately bill each
 79 parent for the share of the school fee that the parent is required to pay under the order;

80 (ii) a provider who receives a copy of the order, regardless of whether the provider
 81 receives the copy before, on, or after the day on which the provider first issues a bill for the
 82 school fee may not make a negative credit report under Section 70C-7-107, or report of the
 83 debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information
 84 Exchange, regarding a parent who has paid in full the share of the school fee that the parent is
 85 required to pay under the order; and

86 (iii) each parent is liable only for the share of the school fee that the parent is required
 87 to pay under the order.

88 (b) A provider may bill a parent for the parent's share of a minor child's school fee
89 under an order described in Subsection (2)(a) regardless of whether the provider grants the
90 other parent a waiver for all or a portion of the other parent's share of the minor child's school
91 fee.

92 Section 3. **Effective date.**

93 This bill takes effect on July 1, 2018.