

1 **State Debt Collection Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to state debt collection.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies the duties of the Office of State Debt Collection (office);
- 9 ▶ allows the office to hold title to real property or dispose or acquire surplus property, if

10 doing so is incidental to execution or collection proceedings;

- 11 ▶ provides that the Department of Health and Human Services may enforce certain rights to
- 12 recovery against a decedent's estate regardless of any contrary provisions in the Utah

13 Uniform Probate Code;

- 14 ▶ requires notice to the office when a person files an application or a petition for probate;

15 ▶ exempts proceedings to enforce or collect a criminal account receivable, civil judgment of
16 restitution, or civil account receivable from certain time limitations in the Utah Uniform

17 Probate Code;

- 18 ▶ addresses enforcement of a civil judgment of restitution or civil account receivable; and

- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **63A-2-409**, as last amended by Laws of Utah 2015, Chapter 98

27 **63A-3-502**, as last amended by Laws of Utah 2024, Chapter 398

28 **63A-3-507**, as last amended by Laws of Utah 2024, Chapter 158

29 **75-3-104**, as enacted by Laws of Utah 1975, Chapter 150

30 **75-3-104.5**, as last amended by Laws of Utah 2023, Chapter 330

31 **75-3-803**, as last amended by Laws of Utah 2023, Chapter 330
 32 **75-3-812**, as enacted by Laws of Utah 1975, Chapter 150
 33 **78B-5-201**, as last amended by Laws of Utah 2023, Chapter 401
 34 **78B-5-202**, as last amended by Laws of Utah 2023, Chapter 401

35

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

37 Section 1. Section **63A-2-409** is amended to read:

38 **63A-2-409 . Disposal of certain surplus property.**

39 This part does not apply to:

40 (1) disposition by:

41 ~~[(1)]~~ (a) the legislative branch of surplus property that is information technology
 42 equipment, if the Legislative Management Committee, by rule, establishes its own
 43 policy for disposition, by the legislative branch, of surplus property that is
 44 information technology equipment; or

45 ~~[(2)]~~ (b) the Department of Transportation of surplus personal property that was acquired
 46 as part of a transaction or legal action by the Department of Transportation acquiring
 47 real property for a state transportation purpose[-] ; or

48 (2) the Office of State Debt Collection's disposition or acquisition of surplus property, if the
 49 disposition or acquisition is incidental to execution or collection proceedings.

50 Section 2. Section **63A-3-502** is amended to read:

51 **63A-3-502 . Office of State Debt Collection created -- Duties.**

52 (1) The state and each state agency shall comply with:

53 (a) the requirements of this chapter; and

54 (b) any rules established by the Office of State Debt Collection.

55 (2) There is created the Office of State Debt Collection in the Division of Finance.

56 (3) The office shall:

57 (a) have overall responsibility for collecting and managing state receivables;

58 ~~[(b) assist the Division of Finance to develop consistent policies governing the collection~~
 59 ~~and management of state receivables;]~~

60 ~~[(c)]~~ (b) oversee and monitor state receivables to ensure that state agencies are:

61 (i) implementing all appropriate collection methods;

62 (ii) following established receivables guidelines; and

63 (iii) accounting for and reporting receivables in the appropriate manner;

64 ~~[(d)]~~ (c) assist the Division of Finance to develop policies, procedures, and guidelines for

- 65 accounting, reporting, and collecting money owed to the state;
- 66 [~~(e)~~] ~~provide information, training, and technical assistance to each state agency on~~
67 ~~various collection-related topics;]~~
- 68 [~~(f)~~] ~~(d)~~ write an inclusive receivables management and collection manual for use by
69 each state agency;
- 70 [~~(g)~~] ~~(e)~~ prepare quarterly and annual reports of the state's receivables;
- 71 [~~(h)~~] ~~(f)~~ create or coordinate a state accounts receivable database;
- 72 [~~(i)~~] ~~develop reasonable criteria to gauge state agencies' efforts in maintaining an~~
73 ~~effective accounts receivable program;]~~
- 74 [~~(j)~~] ~~identify any state agency that is not making satisfactory progress toward~~
75 ~~implementing collection techniques and improving accounts receivable collections;]~~
- 76 [~~(k)~~] ~~coordinate information, systems, and procedures between each state agency to~~
77 ~~maximize the collection of past-due accounts receivable;]~~
- 78 [~~(l)~~] ~~establish an automated cash receipt process between each state agency;]~~
- 79 [~~(m)~~] ~~(g)~~ assist the Division of Finance to establish procedures for writing off accounts
80 receivable for accounting and collection purposes;
- 81 [~~(n)~~] ~~(h)~~ establish standard time limits after which an agency will delegate responsibility
82 to collect state receivables to the office or the office's designee;
- 83 [~~(o)~~] ~~(i)~~ be a real party in interest for:
- 84 (i) an account receivable referred to the office by any state agency; and
- 85 (ii) a civil judgment of restitution entered on a civil judgment docket by a court;
- 86 [~~(p)~~] ~~(j)~~ allocate money collected for a judgment entered on the civil judgment docket
87 under Section 77-18-114 in accordance with Sections 51-9-402, 63A-3-506, and
88 78A-5-110;
- 89 [~~(q)~~] ~~(k)~~ if a criminal accounts receivable is transferred to the office under Subsection
90 77-32b-103(2)(a)(ii), receive, process, and distribute payments for the criminal
91 accounts receivable;
- 92 [~~(r)~~] ~~(l)~~ provide a debtor online access to the debtor's accounts receivable or criminal
93 accounts receivable in accordance with Section 63A-3-502.5;
- 94 [~~(s)~~] ~~(m)~~ establish a written policy for each of the following:
- 95 (i) the settling of an accounts receivable, including any amount of restitution owed to
96 a victim in a civil judgment of restitution if the victim approves of the settlement;
- 97 (ii) allowing a debtor to pay off a single debt as part of an accounts receivable even if
98 the debtor has a balance on another debt as part of an accounts receivable or

- 99 criminal accounts receivable;
- 100 (iii) setting a payment deadline for settlement agreements and for obtaining an
101 extension of a settlement agreement deadline; and
- 102 (iv) reducing administrative costs when a settlement has been reached;
- 103 ~~[(t)]~~ (n) consult with a state agency on whether:
- 104 (i) the office may agree to a settlement for an amount that is less than the debtor's
105 principal amount; and
- 106 (ii) the state agency may retain authority to negotiate a settlement with a debtor; and
- 107 ~~[(t)]~~ (o) provide the terms and conditions of any payment arrangement that the debtor
108 has made with a state agency or the office when:
- 109 (i) the payment arrangement is created; or
- 110 (ii) the debtor requests a copy of the terms and conditions.
- 111 (4) The office may:
- 112 (a) recommend to the Legislature new laws to enhance collection of past-due accounts
113 by state agencies;
- 114 (b) collect accounts receivables for higher education entities, if the higher education
115 entity agrees;
- 116 (c) prepare a request for proposal for consulting services to:
- 117 (i) analyze the state's receivable management and collection efforts; and
- 118 (ii) identify improvements needed to further enhance the state's effectiveness in
119 collecting the state's receivables;
- 120 (d) contract with private or state agencies to collect past-due accounts;
- 121 (e) perform other appropriate and cost-effective coordinating work directly related to
122 collection of state receivables;
- 123 (f) provide information, training, and technical assistance to each state agency on
124 various collection-related topics;
- 125 (g) prepare a written receivables management and collection policy and make the policy
126 available for use by state agencies;
- 127 (h) develop reasonable criteria to gauge state agencies' efforts in maintaining an
128 effective accounts receivable program;
- 129 (i) identify any state agency that is not making satisfactory progress toward
130 implementing collection techniques and improving accounts receivable collections;
- 131 (j) coordinate information, systems, and procedures for each state agency to maximize
132 the collection of past-due accounts receivable;

133 ~~[(f)]~~ (k) obtain access to records and databases of any state agency that are necessary to
 134 the duties of the office by following the procedures and requirements of Section
 135 63G-2-206, including the financial declaration form described in Section 77-38b-204;
 136 ~~[(g)]~~ (l) at rates authorized by the Legislature or set in statute, assess and collect the
 137 following interest and fees:
 138 (i) a fee to cover the administrative costs of collection on accounts administered by
 139 the office;
 140 (ii) a late penalty fee that may not be more than 10% of the account receivable on
 141 accounts administered by the office;
 142 (iii) an interest charge that is:
 143 (A) the postjudgment interest rate established by Section 15-1-4 in judgments
 144 established by the courts; or
 145 (B) not more than 2% above the prime rate as of July 1 of each fiscal year for
 146 accounts receivable for which no court judgment has been entered; and
 147 (iv) fees to collect accounts receivable for higher education;
 148 ~~[(h)]~~ (m) collect reasonable attorney fees and reasonable costs of collection that are
 149 related to the collection of receivables under this chapter;
 150 ~~[(i) make rules that allow accounts receivable to be collected over a reasonable period of
 151 time and under certain conditions with credit cards;]~~
 152 ~~[(j)]~~ (n) for a case that is referred to the office or in which the office is a judgment
 153 creditor, file a motion or other document related to the office or the accounts
 154 receivable in that case, including a satisfaction of judgment, in accordance with the
 155 Utah Rules of Civil Procedure;
 156 ~~[(k)]~~ (o) ensure that judgments for which the office is the judgment creditor are renewed,
 157 as necessary;
 158 ~~[(l)]~~ (p) notwithstanding Section 63G-2-206, share records obtained under Subsection [
 159 ~~(4)(f)]~~ (4)(k) with private sector vendors under contract with the state to assist state
 160 agencies in collecting debts owed to the state agencies without changing the
 161 classification of any private, controlled, or protected record into a public record;
 162 ~~[(m)]~~ (q) enter into written agreements with other governmental agencies to obtain and
 163 share information for the purpose of collecting state accounts receivable;~~[-and]~~
 164 ~~[(n)]~~ (r) collect accounts receivable for a political subdivision of the state if the political
 165 subdivision enters into an agreement or contract with the office under Title 11,
 166 Chapter 13, Interlocal Cooperation Act, for the office to collect the political

- 167 subdivision's accounts receivable[-] ; and
- 168 (s) notwithstanding Section 63A-5b-303, hold title to real property if doing so is
- 169 incidental to execution or collection proceedings.
- 170 (5) The office shall ensure that:
- 171 (a) a record obtained by the office or a private sector vendor under Subsection [~~(4)(t)~~]
- 172 (4)(p):
- 173 (i) is used only for the limited purpose of collecting accounts receivable; and
- 174 (ii) is subject to federal, state, and local agency records restrictions; and
- 175 (b) any individual employed by, or formerly employed by, the office or a private sector
- 176 vendor as referred to in Subsection [~~(4)(t)~~] (4)(p) is subject to:
- 177 (i) the same duty of confidentiality with respect to the record imposed by law on
- 178 officers and employees of the state agency from which the record was obtained;
- 179 and
- 180 (ii) any civil or criminal penalties imposed by law for violations of lawful access to a
- 181 private, controlled, or protected record.
- 182 (6)(a) The office shall collect a civil accounts receivable or a civil judgment of
- 183 restitution ordered by a court as a result of prosecution for a criminal offense that
- 184 have been transferred to the office under Subsection 77-18-114(1) or (2).
- 185 (b) The office may not assess:
- 186 (i) the interest charge established by the office under Subsection (4) on an account
- 187 receivable subject to the postjudgment interest rate established by Section 15-1-4;
- 188 and
- 189 (ii) an interest charge on a criminal accounts receivable that is transferred to the
- 190 office under Subsection 77-32b-103(2)(a)(ii).
- 191 (7) The office [~~shall~~] may require a state agency to:
- 192 (a) transfer collection responsibilities to the office or the office's designee according to
- 193 time limits established by the office;
- 194 (b) make annual progress towards implementing collection techniques and improved
- 195 accounts receivable collections;
- 196 (c) use the state's accounts receivable system or develop systems that are adequate to
- 197 properly account for and report the state's receivables;
- 198 (d) develop and implement internal policies and procedures that comply with the
- 199 collections policies and guidelines established by the office;
- 200 (e) provide internal accounts receivable training to staff involved in the management and

- 201 collection of receivables as a supplement to statewide training;
- 202 (f) bill for and make initial collection efforts of the state agency's receivables up to the
- 203 time the accounts must be transferred; and
- 204 (g) submit quarterly receivable reports to the office that identify the age, collection
- 205 status, and funding source of each receivable.
- 206 (8) All interest, fees, and other amounts authorized to be collected by the office under
- 207 Subsection [~~(4)(g)~~] (4)(l):
- 208 (a) are penalties that may be charged by the office;
- 209 (b) do not require an order from a court for the office to assess or collect;
- 210 (c) are not compensation for actual pecuniary loss;
- 211 (d) for a civil accounts receivable:
- 212 (i) begin to accrue on the day on which the civil accounts receivable is entered on the
- 213 civil judgment docket under Subsection 77-18-114(1) or (2); and
- 214 (ii) may be collected as part of the civil accounts receivable;
- 215 (e) for a civil judgment of restitution:
- 216 (i) begin to accrue on the day on which the civil judgment of restitution is entered on
- 217 the civil judgment docket under Subsection 77-18-114(1); and
- 218 (ii) may be collected as part of the civil judgment of restitution;
- 219 (f) for all other accounts receivable:
- 220 (i) begin to accrue on the day on which the accounts receivable is transferred to the
- 221 office, even if there is no court order on the day on which the accounts receivable
- 222 is transferred; and
- 223 (ii) may be collected as part of the accounts receivable; and
- 224 (g) may be waived by:
- 225 (i) the office; or
- 226 (ii) if the interest, fee, or other amount is charged in error, the court.

227 Section 3. Section **63A-3-507** is amended to read:

228 **63A-3-507 . Administrative garnishment order.**

- 229 (1) Subject to Subsection (2), if a judgment is entered against a debtor, the office may issue
- 230 an administrative garnishment order against the debtor's personal property, including
- 231 wages, in the possession of or under the control of a party other than the debtor in the
- 232 same manner and with the same effect as if the order was a writ of garnishment issued
- 233 by a court with jurisdiction.
- 234 (2) The office may issue the administrative garnishment order if:

- 235 (a) the order is signed by the director or the director's designee; and
- 236 (b) the underlying debt is for:
- 237 (i) nonpayment of a civil accounts receivable or a civil judgment of restitution; or
- 238 (ii) nonpayment of a judgment, or abstract of judgment or award filed with a court,
- 239 based on an administrative order for payment issued by an agency of the state.
- 240 (3) An administrative garnishment order issued in accordance with this section is subject to
- 241 the procedures and due process protections provided by Rule 64D, Utah Rules of Civil
- 242 Procedure, except as provided by Section 70C-7-103.
- 243 (4) An administrative garnishment order issued by the office shall:
- 244 (a) contain a statement that includes:
- 245 (i) if known:
- 246 (A) the nature, location, account number, and estimated value of the property; and
- 247 (B) the name, address, and phone number of the person holding the property;
- 248 (ii) whether any of the property consists of earnings;
- 249 (iii) the amount of the judgment and the amount due on the judgment; and
- 250 (iv) the name, address, and phone number of any person known to the plaintiff to
- 251 claim an interest in the property;
- 252 (b) identify the defendant, including the defendant's name and last known address;
- 253 (c) notify the defendant of the defendant's right to reply to answers and request a hearing
- 254 as provided by Rule 64D, Utah Rules of Civil Procedure; and
- 255 (d) state where the garnishee may deliver property.
- 256 (5) The office may, in the office's discretion, include in an administrative garnishment order:
- 257 (a) the last four digits of the defendant's Social Security number;
- 258 (b) the last four digits of the defendant's driver license number;
- 259 (c) the state in which the defendant's driver license was issued;
- 260 (d) one or more interrogatories inquiring:
- 261 (i) whether the garnishee is indebted to the defendant and, if so, the nature of the
- 262 indebtedness;
- 263 (ii) whether the garnishee possesses or controls any property of the defendant and, if
- 264 so, the nature, location, and estimated value of the property;
- 265 (iii) whether the garnishee knows of any property of the defendant in the possession
- 266 or under the control of another and, if so:
- 267 (A) the nature, location, and estimated value of the property; and
- 268 (B) the name, address, and telephone number of the person who has possession or

- 269 control of the property;
- 270 (iv) whether the garnishee is deducting a liquidated amount in satisfaction of a claim
271 against the plaintiff or the defendant, whether the claim is against the plaintiff or
272 the defendant, and the amount deducted;
- 273 (v) the date and manner of the garnishee's service of papers upon the defendant and
274 any third party;
- 275 (vi) the dates on which any previously served writs of continuing garnishment were
276 served; and
- 277 (vii) any other relevant information, including the defendant's position, rate of pay,
278 method of compensation, pay period, and computation of the amount of the
279 defendant's disposable earnings.
- 280 (6)(a) A garnishee who acts in accordance with this section and the administrative
281 garnishment issued by the office is released from liability unless an answer to an
282 interrogatory is successfully controverted.
- 283 (b) Except as provided in Subsection (6)(c), if the garnishee fails to comply with an
284 administrative garnishment issued by the office without a court or final
285 administrative order directing otherwise, the garnishee is liable to the office for an
286 amount determined by the court.
- 287 (c) The amount for which a garnishee is liable under Subsection (6)(b) includes:
- 288 (i)(A) the value of the judgment; or
289 (B) the value of the property, if the garnishee shows that the value of the property
290 is less than the value of the judgment;
- 291 (ii) reasonable costs; and
292 (iii) attorney fees incurred by the parties as a result of the garnishee's failure.
- 293 (d) If the garnishee shows that the steps taken to secure the property were reasonable,
294 the court may excuse the garnishee's liability in whole or in part.
- 295 (7)(a) If the office has reason to believe that a garnishee has failed to comply with the
296 requirements of this section in the garnishee's response to a garnishment order issued
297 under this section, the office may submit a motion to the court requesting the court to
298 issue an order against the garnishee requiring the garnishee to appear and show cause
299 why the garnishee should not be held liable under this section.
- 300 (b) The office shall attach to a motion under Subsection (7)(a) a statement that the office
301 has in good faith conferred or attempted to confer with the garnishee in an effort to
302 settle the issue without court action.

- 303 (8) A person is not liable as a garnishee for drawing, accepting, making, or endorsing a
304 negotiable instrument if the instrument is not in the possession or control of the
305 garnishee at the time of service of the administrative garnishment order.
- 306 (9)(a) A person indebted to the defendant may pay to the office the amount of the debt
307 or an amount to satisfy the administrative garnishment.
- 308 (b) The office's receipt of an amount described in Subsection (9)(a) discharges the
309 debtor for the amount paid.
- 310 (10) A garnishee may deduct from the property any liquidated claim against the defendant
311 that is due to the garnishee at the time of service.
- 312 (11)(a) If a debt to the garnishee is secured by property, the office:
- 313 (i) is not required to apply the property to the debt when the office issues the
314 administrative garnishment order; and
- 315 (ii) may obtain a court order authorizing the office to buy the debt and requiring the
316 garnishee to deliver the property.
- 317 (b) Notwithstanding Subsection (11)(a)(i):
- 318 (i) the administrative garnishment order remains in effect; and
- 319 (ii) the office may apply the property to the debt.
- 320 (c) The office or a third party may perform an obligation of the defendant and require
321 the garnishee to deliver the property upon completion of performance or, if
322 performance is refused, upon tender of performance if:
- 323 (i) the obligation is secured by property; and
- 324 (ii)(A) the obligation does not require the personal performance of the defendant;
325 and
- 326 (B) a third party may perform the obligation.
- 327 (12)(a) The office may issue a continuing garnishment order against a nonexempt
328 periodic payment.
- 329 (b) This section is subject to the Utah Exemptions Act.
- 330 (c) A continuing garnishment order issued in accordance with this section applies to
331 payments to, or for the benefit of, the defendant from the date of service upon the
332 garnishee until the earliest of the following:
- 333 (i) the last periodic payment;
- 334 (ii) the judgment upon which the administrative garnishment order is issued is stayed,
335 vacated, or satisfied in full; or
- 336 (iii) the office releases the order.

- 337 (d) No later than seven days after the last day of each payment period, the garnishee
338 shall with respect to that period:
- 339 (i) answer each interrogatory;
 - 340 (ii) serve an answer to each interrogatory on the office, the defendant, and any other
341 person who has a recorded interest in the property; and
 - 342 (iii) deliver the property to the office.
- 343 (e) If the office issues a continuing garnishment order during the term of a writ of
344 continuing garnishment issued by a court, the order issued by the office:
- 345 (i) is tolled when a writ of garnishment or other income withholding is already in
346 effect and is withholding greater than or equal to the maximum portion of
347 disposable earnings described in Subsection (13);
 - 348 (ii) is collected in the amount of the difference between the maximum portion of
349 disposable earnings described in Subsection (13) and the amount being garnished
350 by an existing writ of continuing garnishment if the maximum portion of
351 disposable earnings exceed the existing writ of garnishment or other income
352 withholding; and
 - 353 (iii) shall take priority upon the termination of the current term of existing writs.
- 354 (13) The maximum portion of disposable earnings of an individual subject to seizure in
355 accordance with this section is the lesser of:
- 356 (a) 25% of the defendant's disposable earnings for any other judgment; or
 - 357 (b) the amount by which the defendant's disposable earnings for a pay period exceeds
358 the number of weeks in that pay period multiplied by 30 times the federal minimum
359 wage as provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards Act of 1938.
- 360 (14)(a) In accordance with the requirements of this Subsection (14), the office may, at its
361 discretion, determine a dollar amount that a garnishee is to withhold from earnings
362 and deliver to the office in a continuing administrative garnishment order issued
363 under this section.
- 364 (b) The office may determine the dollar amount that a garnishee is to withhold from
365 earnings under Subsection (14)(a) if the dollar amount determined by the office:
 - 366 (i) does not exceed the maximum amount allowed under Subsection (13); and
 - 367 (ii) is based on:
 - 368 (A) earnings information received by the office directly from the Department of
369 Workforce Services; or
 - 370 (B) previous garnishments issued to the garnishee by the office where payments

- 371 were received at a consistent dollar amount.
- 372 (c) The earnings information or previous garnishments relied on by the office under
373 Subsection (14)(b)(ii) to calculate a dollar amount under this Subsection (14) shall be:
374 (i) for one debtor;
375 (ii) from the same employer;
376 (iii) for two or more consecutive quarters; and
377 (iv) received within the last six months.
- 378 (15)(a) A garnishee who provides the calculation for withholdings on a defendant's
379 wages in the garnishee's initial response to an interrogatory in an administrative
380 garnishment order under this section is not required to provide the calculation for
381 withholdings after the garnishee's initial response if:
382 (i) the garnishee's accounting system automates the amount of defendant's wages to
383 be paid under the garnishment; and
384 (ii) the defendant's wages do not vary by more than five percent from the amount
385 disclosed in the garnishee's initial response.
- 386 (b) Notwithstanding Subsection (15)(a), upon request by the office or the defendant, a
387 garnishee shall provide, for the last pay period or other pay period specified by the
388 office or defendant, a calculation of the defendant's wages and withholdings and the
389 amount garnished.
- 390 (16)(a) A garnishee under an administrative garnishment order under this section is
391 entitled to receive a garnishee fee, as provided in this Subsection (16), in the amount
392 of:
393 (i) \$10 per garnishment order, for a noncontinuing garnishment order; and
394 (ii) \$25, as a one-time fee, for a continuing garnishment order.
- 395 (b) A garnishee may deduct the amount of the garnishee fee from the amount to be
396 remitted to the office under the administrative garnishment order, if the amount to be
397 remitted exceeds the amount of the fee.
- 398 (c) If the amount to be remitted to the office under an administrative garnishment order
399 does not exceed the amount of the garnishee fee:
400 (i) the garnishee shall notify the office that the amount to be remitted does not exceed
401 the amount of the garnishee fee; and
402 (ii)(A) the garnishee under a noncontinuing garnishment order shall return the
403 administrative garnishment order to the office, and the office shall pay the
404 garnishee the garnishee fee; or

- 405 (B) the garnishee under a continuing garnishment order shall delay remitting to
406 the office until the amount to be remitted exceeds the garnishee fee.
- 407 (d) If, upon receiving the administrative garnishment order, the garnishee does not
408 possess or control any property, including money or wages, in which the defendant
409 has an interest:
- 410 (i) the garnishee under a continuing or noncontinuing garnishment order shall, except
411 as provided in Subsection (16)(d)(ii), return the administrative garnishment order
412 to the office, and the office shall pay the garnishee the applicable garnishee fee; or
413 (ii) if the garnishee under a continuing garnishment order believes that the garnishee
414 will, within 90 days after issuance of the continuing garnishment order, come into
415 possession or control of property in which the defendant owns an interest, the
416 garnishee may retain the garnishment order and deduct the garnishee fee for a
417 continuing garnishment once the amount to be remitted exceeds the garnishee fee.
- 418 (17) Section 78A-2-216 does not apply to an administrative garnishment order issued under
419 this section.
- 420 (18) An administrative garnishment instituted in accordance with this section shall continue
421 to operate and require that a person withhold the nonexempt portion of earnings at each
422 succeeding earning disbursement interval until the total amount due in the garnishment
423 is withheld or the garnishment is released in writing by the court or office.
- 424 (19) If the office issues an administrative garnishment order under this section to collect an
425 amount owed on a civil accounts receivable or a civil judgment of restitution, the
426 administrative garnishment order shall be construed as a continuation of the criminal
427 action for which the civil accounts receivable or civil judgment of restitution arises if the
428 amount owed is from a fine, fee, or restitution for the criminal action.
- 429 Section 4. Section **75-3-104** is amended to read:
- 430 **75-3-104 . Claims against decedent -- Necessity of administration -- Exclusions.**
- 431 (1)(a) No proceeding to enforce a claim against the estate of a decedent or his
432 successors may be revived or commenced before the appointment of a personal
433 representative.
- 434 (b) After the appointment and until distribution, all proceedings and actions to enforce a
435 claim against the estate are governed by the procedure prescribed by this Chapter 3,
436 Probate of Wills and Administration.
- 437 (2) After distribution a creditor whose claim has not been barred may recover from the
438 distributees as provided in Section 75-3-1004 or from a former personal representative

439 individually liable as provided in Section 75-3-1005.

440 (3) This section has no application to a proceeding by a secured creditor of the decedent to
441 enforce his right to his security except as to any deficiency judgment which might be
442 sought therein.

443 (4)(a) For purposes of this chapter, a lien or right to recover described in Section
444 26B-3-1013 is not a claim.

445 (b) Nothing in this chapter limits Department of Health and Human Services's right to
446 recovery under Section 26B-3-1013.

447 Section 5. Section **75-3-104.5** is amended to read:

448 **75-3-104.5 . Notice to state agencies.**

449 Within 30 days after the day on which a person files an application or a petition for
450 probate under this chapter[~~for a decedent who was at least 55 years old, the court shall~~] , the
451 court shall:

452 (1) if the decedent was at least 18 years old, provide notice of the application or petition to
453 the Office of State Debt Collection created in Section 63A-3-502; and

454 (2) if the decedent was at least 55 years old, provide notice of the application or petition to
455 the Office of Recovery Services created in Section 26B-9-103 for purposes of
456 presentation or enforcement of a lien or claim under Section 26B-3-1013.

457 Section 6. Section **75-3-803** is amended to read:

458 **75-3-803 . Limitations on presentation of claims.**

459 (1) All claims against a decedent's estate which arose before the death of the decedent,
460 including claims of the state and any subdivision of it, whether due or to become due,
461 absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other
462 legal basis, if not barred earlier by other statute of limitations, are barred against the
463 estate, the personal representative, and the heirs and devisees of the decedent, unless
464 presented within the earlier of the following dates:

465 (a) one year after the decedent's death; or

466 (b) within the time provided by Subsection 75-3-801(2) for creditors who are given
467 actual notice, and where notice is published, within the time provided in Subsection
468 75-3-801(1) for all claims barred by publication.

469 (2) In all events, claims barred by the nonclaim statute at the decedent's domicile are also
470 barred in this state.

471 (3) All claims against a decedent's estate which arise at or after the death of the decedent,
472 including claims of the state and any of its subdivisions, whether due or to become due,

473 absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other
 474 legal basis are barred against the estate, the personal representative, and the heirs and
 475 devisees of the decedent, unless presented as follows:

476 (a) a claim based on a contract with the personal representative within three months after
 477 performance by the personal representative is due; or

478 (b) any other claim within the later of three months after it arises, or the time specified in
 479 Subsection (1)(a).

480 (4) Nothing in this section affects or prevents:

481 (a) any proceeding to enforce any mortgage, pledge, or other lien upon property of the
 482 estate;

483 (b) to the limits of the insurance protection only, any proceeding to establish liability of
 484 the decedent or the personal representative for which the decedent or the personal
 485 representative is protected by liability insurance;

486 (c) collection of compensation for services rendered and reimbursement for expenses
 487 advanced by the personal representative or by the attorney or accountant for the
 488 personal representative of the estate;[-or]

489 (d) medical assistance recovery under [~~Title 26B, Chapter 3, Part 10, Medical Benefits~~
 490 ~~Recovery.~~] Title 26B, Chapter 3, Part 10, Medical Benefits Recovery; or

491 (e) any proceeding to enforce or collect a criminal account receivable, civil judgment of
 492 restitution, or civil account receivable, as those terms are defined in Section
 493 77-32b-102.

494 (5) If a personal representative has not been timely appointed in accordance with this
 495 chapter, one may be appointed for the limited purposes of Subsection (4)(b) for any
 496 claim timely brought against the decedent.

497 Section 7. Section **75-3-812** is amended to read:

498 **75-3-812 . Execution and levies prohibited.**

499 (1) [~~No~~] Except as provided in Subsection (2), no execution may issue upon nor may any
 500 levy be made against any property of the estate under any judgment against a decedent
 501 or a personal representative[~~, but this section shall not be construed to~~].

502 (2) This section does not prevent:

503 (a) the enforcement of mortgages, pledges, or liens upon real or personal property in an
 504 appropriate proceeding[~~;~~]; or

505 (b) the collection of a criminal account receivable, civil judgment of restitution, or civil
 506 account receivable, as those terms are defined in Section 77-32b-102.

507 Section 8. Section **78B-5-201** is amended to read:

508 **78B-5-201 . Definitions -- Judgment recorded in Registry of Judgments.**

509 (1) As used in this part[er] :

510 (a) "Judgment" includes a civil judgment of restitution or a civil account receivable, as
511 those terms are defined in Section 77-32b-102.

512 (b) "Registry of Judgments" means the index where a judgment is filed and searchable
513 by the name of the judgment debtor through electronic means or by tangible
514 document.

515 (2) On or after July 1, 1997, a judgment entered by a court of this state does not create a
516 lien upon or affect the title to real property unless the judgment is filed in the Registry of
517 Judgments of the office of the clerk of the district court of the county in which the
518 property is located.

519 (3)(a) On or after July 1, 2002, except as provided in Subsection (3)(b), a judgment
520 entered by a court of this state does not create a lien upon or affect the title to real
521 property unless the judgment or an abstract of judgment is recorded in the office of
522 the county recorder in which the real property of the judgment debtor is located.

523 (b) State agencies are exempt from the recording requirement of Subsection (3)(a).

524 (4) In addition to the requirements of Subsections (2) and (3)(a), any judgment that is filed
525 in the Registry of Judgments on or after September 1, 1998, or any judgment or abstract
526 of judgment that is recorded in the office of a county recorder after July 1, 2002, shall
527 include:

528 (a) the information identifying the judgment debtor as required under Subsection (4)(b)
529 on the judgment or abstract of judgment; or

530 (b) a copy of the separate information statement of the judgment creditor that contains:

531 (i) the correct name and last-known address of each judgment debtor and the address
532 at which each judgment debtor received service of process;

533 (ii) the name and address of the judgment creditor;

534 (iii) the amount of the judgment as filed in the Registry of Judgments;

535 (iv) if known, the judgment debtor's Social Security number, date of birth, and
536 driver's license number if a natural person; and

537 (v) whether or not a stay of enforcement has been ordered by the court and the date
538 the stay expires.

539 (5) For the information required in Subsection (4), the judgment creditor shall:

540 (a) provide the information on the separate information statement if known or available

- 541 to the judgment creditor from its records, its attorney's records, or the court records in
542 the action in which the judgment was entered; or
- 543 (b) state on the separate information statement that the information is unknown or
544 unavailable.
- 545 (6)(a) Any judgment that requires payment of money and is entered by a court of this
546 state on or after September 1, 1998, or any judgment or abstract of judgment
547 recorded in the office of a county recorder after July 1, 2002, that does not include
548 the debtor identifying information as required in Subsection (4) is not a lien until a
549 separate information statement of the judgment creditor is recorded in the office of a
550 county recorder in compliance with Subsections (4) and (5).
- 551 (b) The separate information statement of the judgment creditor referred to in Subsection
552 (6)(a) shall include:
- 553 (i) the name of any judgment creditor, debtor, assignor, or assignee;
554 (ii) the date on which the judgment was recorded in the office of the county recorder
555 as described in Subsection (4); and
556 (iii) the county recorder's entry number and book and page of the recorded judgment.
- 557 (7) A judgment that requires payment of money recorded on or after September 1, 1998, but
558 prior to July 1, 2002, has as its priority the date of entry, except as to parties with actual
559 or constructive knowledge of the judgment.
- 560 (8) A judgment or notice of judgment wrongfully filed against real property is subject to
561 Title 38, Chapter 9, Wrongful Lien Act.
- 562 (9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the
563 office of a county recorder, a person shall, in the office of the county recorder of each
564 county in which an instrument creating the lien is recorded, record a document
565 releasing, assigning, renewing, or extending the lien.
- 566 (b) The document described in Subsection (9)(a) shall include:
- 567 (i) the date of the release, assignment, renewal, or extension;
568 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
569 (iii) for the county in which the document is recorded in accordance with Subsection
570 (9)(a):
- 571 (A) the date on which the instrument creating the lien was recorded in that
572 county's office of the county recorder; and
573 (B) in accordance with Section 57-3-106, that county recorder's entry number and
574 book and page of the recorded instrument creating the judgment lien.

575 Section 9. Section **78B-5-202** is amended to read:

576 **78B-5-202 . Duration of judgment -- Judgment as a lien upon real property --**
577 **Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child**
578 **support orders.**

- 579 (1) Judgments shall continue for eight years from the date of entry in a court unless
580 previously satisfied or unless enforcement of the judgment is stayed in accordance with
581 law.
- 582 (2) Prior to July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment
583 by a district court creates a lien upon the real property of the judgment debtor, not
584 exempt from execution, owned or acquired during the existence of the judgment, located
585 in the county in which the judgment is entered.
- 586 (3) An abstract of judgment issued by the court in which the judgment is entered may be
587 filed in any court of this state and shall have the same force and effect as a judgment
588 entered in that court.
- 589 (4) Prior to July 1, 1997, and after May 15, 1998, a judgment entered in a small claims
590 action may not qualify as a lien upon real property unless abstracted to the district court
591 and recorded in accordance with Subsection (3).
- 592 (5)(a) If any judgment is appealed, upon deposit with the court where the notice of
593 appeal is filed of cash or other security in a form and amount considered sufficient by
594 the court that rendered the judgment to secure the full amount of the judgment,
595 together with ongoing interest and any other anticipated damages or costs, including
596 attorney fees and costs on appeal, the lien created by the judgment shall be
597 terminated as provided in Subsection (5)(b).
- 598 (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court
599 shall enter an order terminating the lien created by the judgment and granting the
600 judgment creditor a perfected lien in the deposited security as of the date of the
601 original judgment.
- 602 (6)(a) A child support order, including an order or judgment for guardian ad litem
603 attorney fees and costs, or a sum certain judgment for past due support may be
604 enforced:
- 605 (i) within four years after the date the youngest child reaches majority; or
606 (ii) eight years from the date of entry of the sum certain judgment entered by a
607 tribunal.
- 608 (b) The longer period of duration shall apply in every order.

- 609 (c) A sum certain judgment may be renewed to extend the duration.
- 610 (7)(a) After July 1, 2002, a judgment entered by a district court, a justice court, or the
- 611 Business and Chancery Court, becomes a lien upon real property if:
- 612 (i) the judgment or an abstract of the judgment containing the information identifying
- 613 the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the
- 614 office of the county recorder; or
- 615 (ii) the judgment or an abstract of the judgment and a separate information statement
- 616 of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in
- 617 the office of the county recorder.
- 618 (b) The judgment shall run from the date of entry by the court.
- 619 (c) The real property subject to the lien includes all the real property of the judgment
- 620 debtor:
- 621 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
- 622 (ii) owned or acquired at any time by the judgment debtor during the time the
- 623 judgment is effective.
- 624 (d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment
- 625 in favor of a state agency, the real property subject to the lien includes all real
- 626 property of the judgment debtor in the state.
- 627 [~~(d)~~] (e) State agencies are exempt from the recording requirement of Subsection (7)(a).
- 628 (8)(a) A judgment referred to in Subsection (7) shall be entered under the name of the
- 629 judgment debtor in the judgment index in the office of the county recorder as
- 630 required in Section 17-21-6.
- 631 (b) A judgment containing a legal description shall also be abstracted in the appropriate
- 632 tract index in the office of the county recorder.
- 633 (9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the
- 634 office of a county recorder, a person shall, in the office of the county recorder of each
- 635 county in which an instrument creating the lien is recorded, record a document
- 636 releasing, assigning, renewing, or extending the lien.
- 637 (b) The document described in Subsection (9)(a) shall include:
- 638 (i) the date of the release, assignment, renewal, or extension;
- 639 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
- 640 (iii) for the county in which the document is recorded in accordance with Subsection
- 641 (9)(a):
- 642 (A) the date on which the instrument creating the lien was recorded in that

643 county's office of the county recorder; and
644 (B) in accordance with Section 57-3-106, that county recorder's entry number and
645 book and page of the recorded instrument creating the judgment lien.

646 Section 10. **Effective Date.**

647 This bill takes effect on May 7, 2025.