

31A-2-307 Declaratory interpretation of statutes -- Procedure.

- (1) The commissioner or any other person with a substantial interest in the result may petition the Third District Court for Salt Lake County for a declaratory judgment interpreting any provision of this title as applied to stipulated facts.
- (2) The court may require that notice be given to persons that may be affected by the judgment. These persons may participate in the proceeding.
- (3) The court in its discretion may require the commissioner and any other participating parties to provide testimony and documentary evidence necessary for a fair disposition of the case.
- (4) The court may decline to proceed on the petition if it believes the petition is frivolous, or the declaratory relief is unnecessary or has the possibility of prejudicing persons who cannot practicably be made parties to the proceeding.
- (5) The court may declare the meaning of the statute. The declaration has the effect of a final judgment or decree.
- (6) Any participating party may obtain judicial review of the decision.
- (7) The costs of the proceeding shall be paid by the petitioner unless the commissioner is the petitioner, in which case all parties shall bear their own costs. "Costs" means:
 - (a) fees of the clerk and marshal;
 - (b) fees of the court reporter or the transcriber of a tape of the proceedings for all or any part of the transcript necessarily obtained for use in the case;
 - (c) fees and disbursements for printing and witnesses;
 - (d) fees for exemplification and copies of papers necessarily obtained for use in the case; and
 - (e) compensation of court-appointed experts or interpreters. Reimbursements shall be made to the General Fund, and shall be added back to the department's budget, except to the extent the department forwards a reimbursement to the attorney general's office, in which case the attorney general's budget shall be credited with the reimbursement.

Amended by Chapter 101, 1988 General Session