

**STATUTORY REVISIONS FOR STATE  
FUNDING ADJUSTMENTS**

2002 GENERAL SESSION  
STATE OF UTAH

**Sponsor: Leonard M. Blackham**

**This act increases certain court fees and amends the Sales and Use Tax Act to modify for fiscal years 2001-02 and 2002-03 the funds into which certain state sales and use tax revenues are deposited. The act makes technical changes.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**59-12-103**, as last amended by Chapter 11, Laws of Utah 2001, First Special Session

**78-7-35**, as renumbered and amended by Chapter 46, Laws of Utah 2001

**78-31b-9**, as last amended by Chapter 46, Laws of Utah 2001

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

Section 1. Section **59-12-103** is amended to read:

**59-12-103. Sales and use tax base -- Rate -- Use of sales and use tax revenues.**

(1) A tax is imposed on the purchaser as provided in this part for amounts paid or charged for the following transactions:

(a) retail sales of tangible personal property made within the state;

(b) amounts paid to common carriers or to telephone corporations or telegraph corporations, whether the corporations are municipally or privately owned, for:

(i) all transportation;

(ii) intrastate telephone service; or

(iii) telegraph service;

(c) sales of the following for commercial use:

(i) gas;

(ii) electricity;



- 28 (iii) heat;
- 29 (iv) coal;
- 30 (v) fuel oil; or
- 31 (vi) other fuels;
- 32 (d) sales of the following for residential use:
- 33 (i) gas;
- 34 (ii) electricity;
- 35 (iii) heat;
- 36 (iv) coal;
- 37 (v) fuel oil; or
- 38 (vi) other fuels;
- 39 (e) sales of meals;
- 40 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user
- 41 fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions,
- 42 concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests,
- 43 sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts,
- 44 billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages,
- 45 skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water
- 46 slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any
- 47 other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;
- 48 (g) amounts paid or charged for services:
- 49 (i) for repairs or renovations of tangible personal property; or
- 50 (ii) to install tangible personal property in connection with other tangible personal
- 51 property;
- 52 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for cleaning
- 53 or washing of tangible personal property;
- 54 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court accommodations
- 55 and services that are regularly rented for less than 30 consecutive days;
- 56 (j) amounts paid or charged for laundry or dry cleaning services;
- 57 (k) amounts paid or charged for leases or rentals of tangible personal property if:
- 58 (i) the tangible personal property's situs is in this state;

- 59 (ii) the lessee took possession of the tangible personal property in this state; or
- 60 (iii) within this state the tangible personal property is:
- 61 (A) stored;
- 62 (B) used; or
- 63 (C) otherwise consumed;

64 (l) amounts paid or charged for tangible personal property if within this state the tangible  
65 personal property is:

- 66 (i) stored;
- 67 (ii) used; or
- 68 (iii) consumed; and
- 69 (m) amounts paid or charged for prepaid telephone calling cards.

70 (2) (a) Except as provided in Subsections (2)(b) and (c), beginning on July 1, 2001, a state  
71 tax and a local tax is imposed on a transaction described in Subsection (1) equal to the sum of:

- 72 (i) a state tax imposed on the transaction at a rate of 4.75%; and
- 73 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
74 transaction under this chapter other than this part.

75 (b) Notwithstanding Subsection (2)(a), beginning on July 1, 2001, a state tax and a local  
76 tax is imposed on a transaction described in Subsection (1)(d) equal to the sum of:

- 77 (i) a state tax imposed on the transaction at a rate of 2%; and
- 78 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
79 transaction under this chapter other than this part.

80 (c) Notwithstanding Subsections (2)(a) and (b), beginning on July 1, 2001, if a vendor  
81 collects a tax under Subsection 59-12-107(1)(b) on a transaction described in Subsection (1), a  
82 state tax and a local tax is imposed on the transaction equal to the sum of:

- 83 (i) a state tax imposed on the transaction at a rate of:
- 84 (A) 4.75% for a transaction other than a transaction described in Subsection (1)(d); or
- 85 (B) 2% for a transaction described in Subsection (1)(d); and
- 86 (ii) except as provided in Subsection (2)(d), a local tax imposed on the transaction at a rate  
87 equal to the sum of the following tax rates:

88 (A) (I) the lowest tax rate imposed by a county, city, or town under Section 59-12-204, but  
89 only if all of the counties, cities, and towns in the state impose the tax under Section 59-12-204;

90 or

91 (II) the lowest tax rate imposed by a county, city, or town under Section 59-12-205, but  
92 only if all of the counties, cities, and towns in the state impose the tax under Section 59-12-205;  
93 and

94 (B) the tax rate authorized by Section 59-12-1102, but only if all of the counties in the state  
95 impose the tax under Section 59-12-1102.

96 (d) Tax rates authorized under the following do not apply to Subsection (2)(c)(ii):

97 (i) Subsection (2)(a)(i);

98 (ii) Subsection (2)(b)(i);

99 (iii) Subsection (2)(c)(i);

100 (iv) Section 59-12-301;

101 (v) Section 59-12-352;

102 (vi) Section 59-12-353;

103 (vii) Section 59-12-401;

104 (viii) Section 59-12-402;

105 (ix) Section 59-12-501;

106 (x) Section 59-12-502;

107 (xi) Section 59-12-603;

108 (xii) Section 59-12-703;

109 (xiii) Section 59-12-802;

110 (xiv) Section 59-12-804;

111 (xv) Section 59-12-1001;

112 (xvi) Section 59-12-1201; or

113 (xvii) Section 59-12-1302.

114 (3) (a) Except as provided in Subsections (4) through (9), the state taxes described in  
115 Subsections (2)(a)(i), (2)(b)(i), and (2)(c)(i) shall be deposited into the General Fund.

116 (b) The local taxes described in Subsections (2)(a)(ii) and (2)(b)(ii) shall be distributed to  
117 a county, city, or town as provided in this chapter.

118 (c) (i) Notwithstanding any provision of this chapter, each county, city, or town in the state  
119 shall receive the county's, city's, or town's proportionate share of the revenues generated by the  
120 local tax described in Subsection (2)(c)(ii) as provided in Subsection (3)(c)(ii).

- 121 (ii) The commission shall determine a county's, city's, or town's proportionate share of the  
122 revenues under Subsection (3)(c)(i) by:
- 123 (A) calculating an amount equal to:
- 124 (I) the population of the county, city, or town; divided by  
125 (II) the total population of the state; and
- 126 (B) multiplying the amount determined under Subsection (3)(c)(ii)(A) by the total amount  
127 of revenues generated by the local tax under Subsection (2)(c)(ii) for all counties, cities, and towns.
- 128 (iii) (A) Except as provided in Subsection (3)(c)(iii)(B), population figures for purposes  
129 of this section shall be derived from the most recent official census or census estimate of the  
130 United States Census Bureau.
- 131 (B) Notwithstanding Subsection (3)(c)(iii)(A), if a needed population estimate is not  
132 available from the United States Census Bureau, population figures shall be derived from the  
133 estimate from the Utah Population Estimates Committee created by executive order of the  
134 governor.
- 135 (C) For purposes of this section, the population of a county may only include the  
136 population of the unincorporated areas of the county.
- 137 (4) (a) Notwithstanding Subsection (3)(a), there shall be deposited in an Olympics special  
138 revenue fund or funds as determined by the Division of Finance under Section 51-5-4, for the use  
139 of the Utah Sports Authority created under Title 63A, Chapter 7, Utah Sports Authority Act:
- 140 (i) from January 1, 1990, through December 31, 1999, the amount of sales and use tax  
141 generated by a 1/64% tax rate on the taxable transactions under Subsection (1);
- 142 (ii) from January 1, 1990, through June 30, 1999, the amount of revenue generated by a  
143 1/64% tax rate under Section 59-12-204 or Section 59-12-205 on the taxable transactions under  
144 Subsection (1); and
- 145 (iii) interest earned on the amounts under Subsections (4)(a)(i) and (ii).
- 146 (b) These funds shall be used:
- 147 (i) by the Utah Sports Authority as follows:
- 148 (A) to the extent funds are available, to transfer directly to a debt service fund or to  
149 otherwise reimburse to the state any amount expended on debt service or any other cost of any  
150 bonds issued by the state to construct any public sports facility as defined in Section 63A-7-103;
- 151 (B) to pay for the actual and necessary operating, administrative, legal, and other expenses

152 of the Utah Sports Authority, but not including protocol expenses for seeking and obtaining the  
153 right to host the Winter Olympic Games;

154 (C) as otherwise appropriated by the Legislature; and

155 (D) unless the Legislature appropriates additional funds from the Olympics Special  
156 Revenue Fund to the Utah Sports Authority, the Utah Sports Authority may not expend, loan, or  
157 pledge in the aggregate more than:

158 (I) \$59,000,000 of sales and use tax deposited into the Olympics Special Revenue Fund  
159 under Subsection (4)(a);

160 (II) the interest earned on the amount described in Subsection (4)(b)(i)(D)(I); and

161 (III) the revenues deposited into the Olympics Special Revenue Fund that are not sales and  
162 use taxes deposited under Subsection (4)(a) or interest on the sales and use taxes;

163 (ii) to pay salary, benefits, or administrative costs associated with the State Olympic  
164 Officer under Subsection 63A-10-103(3), except that the salary, benefits, or administrative costs  
165 may not be paid from the sales and use tax revenues generated by municipalities or counties and  
166 deposited under Subsection (4)(a)(ii).

167 (c) A payment of salary, benefits, or administrative costs under Subsection 63A-10-103(3)  
168 is not considered an expenditure of the Utah Sports Authority.

169 (d) If the Legislature appropriates additional funds under Subsection (4)(b)(i)(D), the  
170 authority may not expend, loan, pledge, or enter into any agreement to expend, loan, or pledge the  
171 appropriated funds unless the authority:

172 (i) contracts in writing for the full reimbursement of the monies to the Olympics Special  
173 Revenue Fund by a public sports entity or other person benefitting from the expenditure; and

174 (ii) obtains a security interest that secures payment or performance of the obligation to  
175 reimburse.

176 (e) A contract or agreement entered into in violation of Subsection (4)(d) is void.

177 (5) (a) Notwithstanding Subsection (3)(a) and except as provided in Subsection (11),  
178 beginning on July 1, 2001, the amount of sales and use tax generated annually by a 1/16% tax rate  
179 on the taxable transactions under Subsection (1) shall be used as provided in Subsections (5)(b)  
180 through (g).

181 (b) (i) Beginning on July 1, 2001, \$2,300,000 each year shall be transferred as dedicated  
182 credits to the Department of Natural Resources to:

183 (A) implement the measures described in Subsections 63-34-14(4)(a) through (d) to protect  
184 sensitive plant and animal species; or

185 (B) award grants, up to the amount authorized by the Legislature in an appropriations act,  
186 to political subdivisions of the state to implement the measures described in Subsections  
187 63-34-14(4)(a) through (d) to protect sensitive plant and animal species.

188 (ii) Money transferred to the Department of Natural Resources under Subsection (5)(b)(i)  
189 may not be used to assist the United States Fish and Wildlife Service or any other person to list or  
190 attempt to have listed a species as threatened or endangered under the Endangered Species Act of  
191 1973, 16 U.S.C. Sec. 1531 et seq.

192 (iii) At the end of each fiscal year:

193 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
194 Conservation and Development Fund created in Section 73-10-24;

195 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
196 Program Subaccount created in Section 73-10c-5; and

197 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
198 Program Subaccount created in Section 73-10c-5.

199 (c) Five hundred thousand dollars each year shall be deposited in the Agriculture Resource  
200 Development Fund created in Section 4-18-6.

201 (d) (i) One hundred thousand dollars each year shall be transferred as dedicated credits to  
202 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for the  
203 adjudication of water rights.

204 (ii) At the end of each fiscal year:

205 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
206 Conservation and Development Fund created in Section 73-10-24;

207 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
208 Program Subaccount created in Section 73-10c-5; and

209 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
210 Program Subaccount created in Section 73-10c-5.

211 (e) Fifty percent of the remaining amount generated by the 1/16% tax rate shall be  
212 deposited in the Water Resources Conservation and Development Fund created in Section  
213 73-10-24 for use by the Division of Water Resources. In addition to the uses allowed of the fund

214 under Section 73-10-24, the fund may also be used to:

215 (i) provide a portion of the local cost share, not to exceed in any fiscal year 50% of the  
216 funds made available to the Division of Water Resources under this section, of potential project  
217 features of the Central Utah Project;

218 (ii) conduct hydrologic and geotechnical investigations by the Department of Natural  
219 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
220 quantifying surface and ground water resources and describing the hydrologic systems of an area  
221 in sufficient detail so as to enable local and state resource managers to plan for and accommodate  
222 growth in water use without jeopardizing the resource;

223 (iii) fund state required dam safety improvements; and

224 (iv) protect the state's interest in interstate water compact allocations, including the hiring  
225 of technical and legal staff.

226 (f) Twenty-five percent of the remaining amount generated by the 1/16% tax rate shall be  
227 deposited in the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use  
228 by the Water Quality Board to fund wastewater projects.

229 (g) Twenty-five percent of the remaining amount generated by the 1/16% tax rate shall be  
230 deposited in the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use  
231 by the Division of Drinking Water to:

232 (i) provide for the installation and repair of collection, treatment, storage, and distribution  
233 facilities for any public water system, as defined in Section 19-4-102;

234 (ii) develop underground sources of water, including springs and wells; and

235 (iii) develop surface water sources.

236 (6) (a) Notwithstanding Subsection (3)(a), beginning on July 1, 2001, the amount of sales  
237 and use tax generated annually by a 1/16% tax rate on the taxable transactions under Subsection  
238 (1) shall be used as provided in Subsections (6)(b) through (d).

239 (b) (i) Five hundred thousand dollars each year shall be deposited in the Transportation  
240 Corridor Preservation Revolving Loan Fund created in Section 72-2-117.

241 (ii) At least 50% of the money deposited in the Transportation Corridor Preservation  
242 Revolving Loan Fund under Subsection (6)(b)(i) shall be used to fund loan applications made by  
243 the Department of Transportation at the request of local governments.

244 (c) From July 1, 1997, through June 30, 2006, \$500,000 each year shall be transferred as



245 nonlapsing dedicated credits to the Department of Transportation for the State Park Access  
246 Highways Improvement Program created in Section 72-3-207.

247 (d) The remaining amount generated by the 1/16% tax rate shall be deposited in the class  
248 B and class C roads account to be expended as provided in Title 72, Chapter 2, Transportation  
249 Finances Act, for the use of class B and C roads.

250 (7) (a) Notwithstanding Subsection (3)(a), beginning on January 1, 2000, the Division of  
251 Finance shall deposit into the Centennial Highway Fund created in Section 72-2-118 a portion of  
252 the state sales and use tax under Subsection (2) equal to the revenues generated by a 1/64% tax rate  
253 on the taxable transactions under Subsection (1).

254 (b) Except for sales and use taxes deposited under Subsection (8), beginning on July 1,  
255 1999, the revenues generated by the 1/64% tax rate:

256 (i) retained under Subsection 59-12-204(7)(a) shall be retained by the counties, cities, or  
257 towns as provided in Section 59-12-204; and

258 (ii) retained under Subsection 59-12-205(4)(a) shall be distributed to each county, city, and  
259 town as provided in Section 59-12-205.

260 (8) Notwithstanding Subsection (3)(a), beginning on July 1, 1999, the commission shall  
261 deposit into the Airport to University of Utah Light Rail Restricted Account created in Section  
262 17A-2-1064 the portion of the sales and use tax under Sections 59-12-204 and 59-12-205 that is:

263 (a) generated by a city or town that will have constructed within its boundaries the Airport  
264 to University of Utah Light Rail described in the Transportation Equity Act for the 21st Century,  
265 Pub. L. No. 105-178, Sec. 3030(c)(2)(B)(i)(II), 112 Stat. 107; and

266 (b) equal to the revenues generated by a 1/64% tax rate on the taxable items and services  
267 under Subsection (1).

268 (9) (a) Notwithstanding Subsection (3)(a), for fiscal years beginning on or after fiscal year  
269 2002-03, the commission shall on or before September 30 of each year deposit the difference  
270 described in Subsection (9)(b) into the Remote Sales Restricted Account created in Section  
271 59-12-103.2 if that difference is greater than \$0.

272 (b) The difference described in Subsection (9)(a) is equal to the difference between:

273 (i) the total amount of revenues under Subsection (2)(c)(i) the commission received from  
274 vendors collecting a tax under Subsection 59-12-107(1)(b) for the fiscal year immediately  
275 preceding the September 30 described in Subsection (9)(a); and

276 (ii) the total amount of revenues under Subsection (2)(c)(i) the commission estimates that  
277 the commission received from vendors described in Subsection 59-12-107(1)(b) for fiscal year  
278 2000-01.

279 (10) (a) For purposes of amounts paid or charged as admission or user fees relating to the  
280 Olympic Winter Games of 2002, the amounts are considered to be paid or charged on the day on  
281 which the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 or a person  
282 designated by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 sends  
283 a purchaser confirmation of the purchase of an admission or user fee described in Subsection  
284 (1)(f).

285 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
286 commission shall make rules defining what constitutes sending a purchaser confirmation under  
287 Subsection (10)(a).

288 (11) (a) For fiscal year 2001-02 only, the commission shall subtract the following amounts  
289 from the total amount required to be deposited in accordance with Subsection (5):

290 (i) \$250,000 shall be subtracted from the total amount required to be deposited into the  
291 Drinking Water Loan Program Subaccount in accordance with Subsection (5)(g); and

292 (ii) \$250,000 shall be subtracted from the total amount required to be deposited into the  
293 Utah Wastewater Loan Program Subaccount in accordance with Subsection (5)(f).

294 (b) For fiscal year 2002-03 only, the following amounts shall be subtracted from the total  
295 amount required to be deposited in accordance with Subsection (5):

296 (i) \$310,000 shall be subtracted from the total amount required to be deposited into the  
297 Agriculture Resource Development Fund in accordance with Subsection (5)(c);

298 (ii) \$2,500,000 shall be subtracted from the total amount required to be deposited into the  
299 Drinking Water Loan Program Subaccount in accordance with Subsection (5)(g);

300 (iii) \$2,500,000 shall be subtracted from the total amount required to be deposited into the  
301 Utah Wastewater Loan Program Subaccount in accordance with Subsection (5)(f); and

302 (iv) \$4,690,000 shall be subtracted from the total amount required to be deposited into the  
303 Water Resources Conservation and Development Fund in accordance with Subsection (5)(e).

304 (c) The amounts subtracted under Subsection (11)(a) or (b) shall be deposited into the  
305 General Fund.

306 Section 2. Section **78-7-35** is amended to read:

307 **78-7-35. Civil fees of the courts of record -- Courts complex design.**

308 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court  
309 of record not governed by another subsection is [~~\$120~~] \$140.

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

311 (i) [~~\$37~~] \$45 if the claim for damages or amount in interpleader exclusive of court costs,  
312 interest, and attorney fees is \$2,000 or less;

313 (ii) [~~\$80~~] \$90 if the claim for damages or amount in interpleader exclusive of court costs,  
314 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

315 (iii) [~~\$120~~] \$140 if the claim for damages or amount in interpleader is \$10,000 or more;  
316 and

317 (iv) \$80 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4,  
318 Separate Maintenance.

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

320 (i) [~~\$37~~] \$45 if the claim for damages or amount in interpleader exclusive of court costs,  
321 interest, and attorney fees is \$2,000 or less; and

322 (ii) [~~\$60~~] \$70 if the claim for damages or amount in interpleader exclusive of court costs,  
323 interest, and attorney fees is greater than \$2,000.

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

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

329 (ii) [~~\$60~~] \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is  
330 greater than \$2,000 and less than \$10,000;

331 (iii) \$90 if the original petition is filed under Subsection (1)(a), the claim for relief is  
332 \$10,000 or more, or the party seeks relief other than monetary damages; and

333 (iv) [~~\$60~~] \$70 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title  
334 30, Chapter 4, Separate Maintenance.

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

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

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

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

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

343 (i) \$70 for trial de novo of an adjudication of the justice court or of the small claims  
344 department; and

345 (ii) \$40 for an appeal of a municipal administrative determination in accordance with  
346 Section 10-3-703.7.

347 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
348 petition for writ of certiorari is \$190.

349 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a petition  
350 for expungement is \$50.

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

352 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
353 allocated to the Judges' Retirement Trust Fund, as provided in Title 49, Chapter 6, Judges'  
354 Retirement Act.

355 (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be allocated  
356 by the state treasurer to be deposited in the restricted account, Children's Legal Defense Account,  
357 as provided in Section 63-63a-8.

358 (iii) One dollar of the fees established under Subsections (1)(a) through (e), (1)(g), and  
359 (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in Section  
360 78-31b-9.

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

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

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

366 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state  
367 or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing  
368 officer of this state or of its political subdivisions other than the Utah State Tax Commission, is

369 \$40.

370 (n) The fee for filing a judgment by confession without action under Section 78-22-3 is

371 \$25.

372 (o) The fee for filing an award of arbitration for confirmation, modification, or vacation

373 under Title 78, Chapter 31a, Utah Arbitration Act, that is not part of an action before the court is

374 \$25.

375 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is [~~\$30~~

376 \$40.

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

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

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

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

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

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

383 (r) The fee for filing a demand for a civil jury is [~~\$50~~] \$75.

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

385 another state under Utah Rule of Civil Procedure 26 is \$25.

386 (t) The fee for filing documents that require judicial approval but are not part of an action

387 before the court is \$25.

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

389 (v) The fee for a writ of replevin, attachment, execution, or garnishment is [~~\$20~~] \$35 in

390 addition to any fee for a complaint or petition.

391 (w) The fee for a petition for authorization for a minor to marry required by Section 30-1-9

392 is \$5.

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

394 (y) The fee for a certified copy of a document is [~~\$2~~] \$4 per document plus 50 cents per

395 page.

396 (z) The fee for an exemplified copy of a document is [~~\$4~~] \$6 per document plus 50 cents

397 per page.

398 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of documents

399 and forms and for the search and retrieval of records under Title 63, Chapter 2, Government

400 Records Access and Management Act. Fees under this subsection shall be credited to the court  
401 as a reimbursement of expenditures.

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

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

407 (dd) The filing fees under this section may not be charged to the state, its agencies, or  
408 political subdivisions filing or defending any action. In judgments awarded in favor of the state,  
409 its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order  
410 the filing fees and collection costs to be paid by the judgment debtor. The sums collected under  
411 this subsection shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or  
412 other penalty and costs permitted by law.

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

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

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

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

429 (iii) The Division of Facilities Construction and Management may enter into agreements  
430 and make expenditures related to this project before the receipt of revenues provided for under this

431 Subsection (2)(a)(iii).

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

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

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

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

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

443 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer  
444 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a  
445 court of record to the Division of Facilities Construction and Management Capital Projects Fund.  
446 The division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine  
447 or bail forfeiture paid.

448 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer \$7  
449 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court  
450 of record or an administrative traffic proceeding in accordance with Section 10-3-703.5 to the  
451 Division of Finance for deposit in the restricted account created by this section. The division of  
452 money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail forfeiture  
453 paid.

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

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

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

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

461 Section 3. Section **78-31b-9** is amended to read:

462           **78-31b-9. Dispute Resolution Fund -- Appropriation.**

463           There is created within the General Fund a restricted account known as the Dispute  
464 Resolution Fund. [Fees] One dollar of the fees established in Subsections 78-7-35(1)(a) through  
465 (e), (1)(g), and (1)(r) shall be allocated to and deposited in the fund. The Legislature shall annually  
466 appropriate money from the Dispute Resolution Fund to the Administrative Office of the Courts  
467 to implement the purposes of the Alternative Dispute Resolution Act.

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**Legislative Review Note**

**as of 3-1-02 4:35 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**