

1 **RELEASE OF CLAIMS ON BEHALF OF A**
2 **MINOR**

3 2004 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: John Dougall**

7 **LONG TITLE**

8 **General Description:**

9 This bill allows persons who receive funds on behalf of a minor to release the claim on
10 the minor's behalf upon payment.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows persons who receive money on a minor's behalf to release the payor from
14 future claims.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **75-5-102**, as last amended by Chapter 39, Laws of Utah 1998

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

24 Section 1. Section **75-5-102** is amended to read:

25 **75-5-102. Facility of payment or delivery.**

26 (1) Any person under a duty to pay or deliver money or personal property to a minor
27 may perform this duty, in amounts not exceeding \$10,000 per annum, by paying or delivering



28 the money or property to:

29 (a) the minor, if he is married or if payment to the minor is expressly authorized by
30 statute;

31 (b) any person having the care and custody of the minor with whom the minor resides;
32 or

33 (c) a guardian of the minor.

34 (2) This section does not apply if the person making payment or delivery has actual
35 knowledge that a conservator has been appointed or proceedings for appointment of a
36 conservator of the estate of the minor are pending.

37 (3) The persons, other than the minor, receiving money or property for a minor[;] are
38 obligated to apply the money to the support and education of the minor [~~but~~] and may not pay
39 themselves except by way of reimbursement for out-of-pocket expenses for goods and services
40 necessary for the minor's support. Any excess sums shall be preserved for future support of the
41 minor[~~, and any~~]. Any balance not so used and any property received for the minor must be
42 turned over to the minor when he attains majority.

43 (4) Persons receiving money **⚠ UNDER THIS SECTION ⚠** on behalf of a minor shall have the
43a power to settle and
44 release in whole or in part the claims belonging to the minor giving rise to the duty to pay
45 money to the minor.

46 (5) Persons who pay or deliver in accordance with provisions of this section are not
47 responsible for the proper application thereof.

Legislative Review Note
as of 12-17-03 8:16 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0072

Release of Claims on Behalf of a Minor

19-Jan-04

4:18 PM

State Impact

No fiscal impact.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst