

Senator Gregory S. Bell proposes the following substitute bill:

CIVIL FILING FEES

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: Lorie D. Fowlke

LONG TITLE

General Description:

This bill increases several civil fees of the courts of record.

Highlighted Provisions:

This bill:

- ▶ increases several civil filing fees of courts of record.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-301, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78A-2-301** is amended to read:

78A-2-301. Civil fees of the courts of record -- Courts complex design.

(1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is [~~\$155~~] ~~\$~~→ [~~\$310~~] \$360 ←~~\$~~ .



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

27 (i) [~~\$50~~] \$75 if the claim for damages or amount in interpleader exclusive of court
28 costs, interest, and attorney fees is \$2,000 or less;

29 (ii) [~~\$95~~] \$185 if the claim for damages or amount in interpleader exclusive of court
30 costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

31 (iii) [~~\$155~~] ~~\$~~→ [~~\$310~~] \$360 ←~~\$~~ if the claim for damages or amount in interpleader is
31a \$10,000 or
32 more;

33 (iv) [~~\$155~~] ~~\$~~→ [~~\$225~~] \$310 ←~~\$~~ if the petition is filed under Title 30, Chapter 3, Divorce,
33a or Title 30,
34 Chapter 4, Separate Maintenance; and

35 (v) [~~\$25~~] \$35 for a motion for temporary separation order filed under Section 30-3-4.5.

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

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

39 (ii) \$70 if the claim for damages or amount in interpleader exclusive of court costs,
40 interest, and attorney fees is greater than \$2,000.

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

44 (i) [~~\$45~~] \$55 if the claim for relief exclusive of court costs, interest, and attorney fees
45 is \$2,000 or less;

46 (ii) [~~\$75~~] \$150 if the claim for relief exclusive of court costs, interest, and attorney fees
47 is greater than \$2,000 and less than \$10,000;

48 (iii) [~~\$105~~] \$155 if the original petition is filed under Subsection (1)(a), the claim for
49 relief is \$10,000 or more, or the party seeks relief other than monetary damages; and

50 (iv) [~~\$85~~] \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or
51 Title 30, Chapter 4, Separate Maintenance.

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

53 (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is
54 \$2,000 or less; and

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

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

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

61 (i) [~~75~~] \$225 for trial de novo of an adjudication of the justice court or of the small
62 claims department; and

63 (ii) [~~55~~] \$65 for an appeal of a municipal administrative determination in accordance
64 with Section 10-3-703.7.

65 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
66 petition for writ of certiorari is [~~205~~] \$225.

67 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a
68 petition for expungement is [~~65~~] \$135.

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

70 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
71 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
72 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
73 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
74 Act.

75 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
76 allocated by the state treasurer to be deposited in the restricted account, Children's Legal
77 Defense Account, as provided in Section 51-9-408.

78 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
79 and (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in
80 Section 78B-6-209.

81 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
82 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
83 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

84 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and
85 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court
86 Security Account, as provided in Section 78A-2-602.

87 (k) The fee for filing a judgment, order, or decree of a court of another state or of the

88 United States is [~~\$25~~] \$35.

89 (l) The fee for filing probate or child custody documents from another state is [~~\$25~~]
90 \$35.

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

93 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
94 or a judgment, order, or decree of an administrative agency, commission, board, council, or
95 hearing officer of this state or of its political subdivisions other than the Utah State Tax
96 Commission, is [~~\$40~~] \$50.

97 (n) The fee for filing a judgment by confession without action under Section
98 78B-5-205 is [~~\$25~~] \$35.

99 (o) The fee for filing an award of arbitration for confirmation, modification, or
100 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
101 action before the court is [~~\$25~~] \$35.

102 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is
103 [~~\$40~~] \$100.

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

105 (i) [~~\$10~~] \$15 for an estate valued at \$50,000 or less;

106 (ii) [~~\$20~~] \$30 for an estate valued at \$75,000 or less but more than \$50,000;

107 (iii) [~~\$40~~] \$50 for an estate valued at \$112,000 or less but more than \$75,000;

108 (iv) [~~\$80~~] \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

109 (v) [~~\$150~~] \$175 for an estate valued at more than \$168,000.

110 (r) The fee for filing a demand for a civil jury is [~~\$75~~] \$250.

111 (s) The fee for filing a notice of deposition in this state concerning an action pending in
112 another state under Utah Rule of Civil Procedure 26 is [~~\$25~~] \$35.

113 (t) The fee for filing documents that require judicial approval but are not part of an
114 action before the court is [~~\$25~~] \$35.

115 (u) The fee for a petition to open a sealed record is [~~\$25~~] \$35.

116 (v) The fee for a writ of replevin, attachment, execution, or garnishment is [~~\$35~~] \$50 in
117 addition to any fee for a complaint or petition.

118 (w) (i) The fee for a petition for authorization for a minor to marry required by Section

119 30-1-9 is \$5.

120 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6,
121 Part 8, Emancipation, is \$50.

122 (x) The fee for a certificate issued under Section 26-2-25 is [~~\$2~~] \$8.

123 (y) The fee for a certified copy of a document is \$4 per document plus 50 cents per
124 page.

125 (z) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
126 per page.

127 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of
128 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
129 Government Records Access and Management Act. Fees under this Subsection (1)(aa) shall be
130 credited to the court as a reimbursement of expenditures.

131 (bb) ~~§→ [§→ Any motion or other written application to the court for an order that does~~
131a ~~not have a fee established by this section is \$10.~~

131b ~~—(cc) ←\$] ←\$~~ There is no fee for services or the filing of documents not listed in this section or
132 otherwise provided by law.

133 [(cc)] Except as provided in this section, all fees collected under this section are
133a paid to

134 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
135 accepts the pleading for filing or performs the requested service.

136 (dd) The filing fees under this section may not be charged to the state, its
136a agencies, or

137 political subdivisions filing or defending any action. In judgments awarded in favor of the
138 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court
139 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums
140 collected under this Subsection (1) (dd) shall be applied to the fees after credit to the
140a judgment,

141 order, fine, tax, lien, or other penalty and costs permitted by law.

142 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
143 shall transfer all revenues representing the difference between the fees in effect after May 2,
144 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of
145 Facilities Construction and Management Capital Projects Fund.

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

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

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

158 (iii) The Division of Facilities Construction and Management may enter into
159 agreements and make expenditures related to this project before the receipt of revenues
160 provided for under this Subsection (2)(a)(iii).

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

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

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

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

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

172 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall
173 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
174 Vehicles, in a court of record to the Division of Facilities Construction and Management
175 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be
176 calculated on the balance of the fine or bail forfeiture paid.

177 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
178 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
179 a court of record to the Division of Finance for deposit in the restricted account created by this
180 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the

181 balance of the fine or bail forfeiture paid.

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

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

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

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

S.B. 184 1st Sub. (Green) - Civil Filing Fees - As Amended

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will increase General Fund revenue by approximately \$1,412,500 in FY 2009. If enacted, this bill will generate 11,300,000 in ongoing General Fund revenue beginning in FY 2010.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$11,300,000	\$11,300,000	\$11,300,000
General Fund, One-Time	\$0	\$0	\$0	(\$9,887,500)	\$0	\$0
Total	\$0	\$0	\$0	\$1,412,500	\$11,300,000	\$11,300,000

Individual, Business and/or Local Impact

Enactment of this bill will impact parties filing certain cases.
