

2nd Sub. S.B. 176

CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 6

MARCH 11, 2009 6:28 PM

Representative **Lorie D. Fowlke** proposes the following amendments:

1. Page 1, Line 12 through Page 2, Line 31

Senate 3rd Reading Amendments

3-4-2009:

- 12 This bill:
- 13 ▶ increases the jurisdictional amount for small claims court to { ~~\$12,500~~ \$10,000 ;
- 14 ▶ increases the filing fee for a small claims affidavit from \$45 to { ~~\$~~ ~~→~~ ~~[\$90]~~ ~~\$75~~ ~~←~~ ~~\$~~ } \$65
if the
- 14a claim,
- 15 exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 16 ▶ increases the filing fee for a small claims affidavit from \$70 to { ~~\$~~ ~~→~~ ~~[\$140]~~ ~~\$110~~ ~~←~~ ~~\$~~ } \$90 if
- 16a the claim,
- 17 exclusive of court costs, interest, and attorney fees is between \$2,000 and \$7,500;
- 18 ▶ establishes the filing fee for a small claims affidavit at \$185 if the claim is between
- 19 \$7,500 and \$10,000;
- 20 { ~~→~~ ~~establishes the filing fee for a small claims affidavit at \$300 if the claim is between~~
- 21 ~~\$10,000 and \$12,500;~~ }
- 22 ▶ increases the filling fee for a small claims counter affidavit from \$35 to { ~~\$~~ ~~→~~ ~~[\$70]~~ ~~\$65~~ ~~←~~ ~~\$~~ } \$45 if the
- 23 claim, exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 24 ▶ increases the filing fee for a small claims counter affidavit from \$50 to { ~~\$~~ ~~→~~ ~~[\$100]~~ ~~\$90~~ ~~←~~ ~~\$~~ } \$65 if
- 24a the
- 25 claim, exclusive of court costs, interest, and attorney fees is between \$2,000 and \$7,500; and
- 27 ▶ establishes the filing fee for a small claims counter affidavit at { ~~\$150~~ } \$120 if the claim,
- 28 exclusive of court costs, interest, and attorney fees is between \$7,500 and \$10,000 { ~~→~~ ;
- 29 and
- 30 ~~→~~ ~~establishes the filing fee for a small claims counter affidavit at \$250 if the claim,~~
- 31 ~~exclusive of court costs, interest, and attorney fees is between \$10,000 and \$12,500~~ } .

2. Page 2, Line 55 through Page 3, Line 63

Senate 3rd Reading Amendments

3-4-2009:

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

56 (i) [~~\$45~~] {~~-\$~~→~~[\$55]~~ ~~\$75~~ ←~~-\$~~} \$55 if the claim for damages or amount in interpleader
exclusive of

56a court

57 costs, interest, and attorney fees is \$2,000 or less; [~~and~~]

58 (ii) [~~\$70~~] {~~-\$~~→~~[\$90]~~ ~~\$110~~ ←~~-\$~~} \$90 if the claim for damages or amount in interpleader
exclusive

58a of court

59 costs, interest, and attorney fees is greater than \$2,000[?], but less than \$7,500; and

60 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,

61 interest, and attorney fees is \$7,500 or more {~~but less than \$10,000; and~~

62 ~~— (iv) \$300 if the claim for damages or amount in interpleader exclusive of court costs,~~

63 ~~interest, and attorney fees is \$10,000 or more but less than \$12,501~~} .

3. Page 3, Lines 75 through 83

Senate 3rd Reading Amendments

3-4-2009:

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

76 (i) [~~\$35~~] {~~-\$~~→~~[\$45]~~ ~~\$65~~ ←~~-\$~~} \$45 if the claim for relief exclusive of court costs, interest, and
76a attorney fees

77 is \$2,000 or less; [~~and~~]

78 (ii) [~~\$50~~] {~~-\$~~→~~[\$70]~~ ~~\$90~~ ←~~-\$~~} \$65 if the claim for relief exclusive of court costs, interest, and
78a attorney fees

79 is greater than \$2,000[?], but less than \$7,500;

80 (iii) {~~-\$150~~} \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is

81 \$7,500 or more {~~but less than \$10,000; and~~

82 ~~— (iv) \$250 if the claim for relief exclusive of court costs, interest, and attorney fees is~~

83 ~~\$10,000 or more but less than \$12,501~~} .

4. Page 8, Lines 217 through 227:

217 (1) A small claims action is a civil action:

218 (a) for the recovery of money where:

219 (i) the amount claimed does not exceed [~~\$7,500~~] {~~-\$12,500~~} \$10,000 including attorney fees but
220 exclusive of court costs and interest; and

221 (ii) the defendant resides or the action of indebtedness was incurred within the
222 jurisdiction of the court in which the action is to be maintained; or

223 (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in

224 which the amount claimed does not exceed [\$7,500] {~~\$12,500~~} \$10,000 including attorney fees but
225 exclusive of court costs and interest.

226 (2) The judgment in a small claims action may not exceed [\$7,500] {~~\$12,500~~} \$10,000
including
227 attorney fees but exclusive of court costs and interest.