

RENEWAL OF JUDGMENT ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes a fee for renewal of judgments.

Highlighted Provisions:

This bill:

- ▶ establishes a fee for renewal of judgments; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-301, as last amended by Laws of Utah 2009, Chapters 147 and 149

78B-6-209, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

78B-6-1701, Utah Code Annotated 1953

78B-6-1702, Utah Code Annotated 1953

78B-6-1703, Utah Code Annotated 1953

78B-6-1704, Utah Code Annotated 1953



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

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

30 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

31 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
32 court of record not governed by another subsection is \$360.

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

34 (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs,
35 interest, and attorney fees is \$2,000 or less;

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

38 (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;

39 (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
40 4, Separate Maintenance; and

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

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

43 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
44 interest, and attorney fees is \$2,000 or less;

45 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
46 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

47 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
48 interest, and attorney fees is \$7,500 or more.

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

52 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
53 \$2,000 or less;

54 (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is
55 greater than \$2,000 and less than \$10,000;

56 (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is
57 \$10,000 or more, or the party seeks relief other than monetary damages; and

58 (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,

59 Chapter 4, Separate Maintenance.

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

61 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
62 \$2,000 or less;

63 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
64 greater than \$2,000, but less than \$7,500;

65 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
66 \$7,500 or more.

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

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

71 (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims
72 department; and

73 (ii) \$65 for an appeal of a municipal administrative determination in accordance with
74 Section 10-3-703.7.

75 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
76 petition for writ of certiorari is \$225.

77 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a
78 petition for expungement is \$135.

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

80 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
81 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
82 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
83 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
84 Act.

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

88 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
89 and (1)(~~r~~)(s) shall be allocated to and deposited with the Dispute Resolution Fund as provided

90 in Section 78B-6-209.

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

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

97 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
98 United States is \$35.

99 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1701 is
100 \$35.

101 [~~(h)~~] (m) The fee for filing probate or child custody documents from another state is
102 \$35.

103 [~~(m)~~] (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of
104 the Utah State Tax Commission is \$30.

105 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
106 or a judgment, order, or decree of an administrative agency, commission, board, council, or
107 hearing officer of this state or of its political subdivisions other than the Utah State Tax
108 Commission, is \$50.

109 [~~(n)~~] (o) The fee for filing a judgment by confession without action under Section
110 78B-5-205 is \$35.

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

114 [~~(p)~~] (q) The fee for filing a petition or counter-petition to modify a decree of divorce is
115 \$100.

116 [~~(q)~~] (r) The fee for filing any accounting required by law is:

117 (i) \$15 for an estate valued at \$50,000 or less;

118 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

119 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

120 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

121 (v) \$175 for an estate valued at more than \$168,000.

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

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

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

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

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

130 [~~(w)~~] (x) (i) The fee for a petition for authorization for a minor to marry required by
131 Section 30-1-9 is \$5.

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

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

135 [~~(y)~~] (z) The fee for a certified copy of a document is \$4 per document plus 50 cents
136 per page.

137 [~~(z)~~] (aa) The fee for an exemplified copy of a document is \$6 per document plus 50
138 cents per page.

139 [~~(aa)~~] (bb) The Judicial Council shall by rule establish a schedule of fees for copies of
140 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
141 Government Records Access and Management Act. Fees under this Subsection (1)(aa) shall be
142 credited to the court as a reimbursement of expenditures.

143 [~~(bb)~~] (cc) There is no fee for services or the filing of documents not listed in this
144 section or otherwise provided by law.

145 [~~(cc)~~] (dd) Except as provided in this section, all fees collected under this section are
146 paid to the General Fund. Except as provided in this section, all fees shall be paid at the time
147 the clerk accepts the pleading for filing or performs the requested service.

148 [~~(dd)~~] (ee) The filing fees under this section may not be charged to the state, its
149 agencies, or political subdivisions filing or defending any action. In judgments awarded in
150 favor of the state, its agencies, or political subdivisions, except the Office of Recovery
151 Services, the court shall order the filing fees and collection costs to be paid by the judgment

152 debtor. The sums collected under this Subsection (1)~~(dd)~~(ee) shall be applied to the fees after
153 credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

154 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
155 shall transfer all revenues representing the difference between the fees in effect after May 2,
156 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of
157 Facilities Construction and Management Capital Projects Fund.

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

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

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

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

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

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

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

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

182 (c) The Division of Finance shall deposit all revenues received from the court

183 administrator into the restricted account created by this section.

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

189 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
 190 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
 191 a court of record to the Division of Finance for deposit in the restricted account created by this
 192 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
 193 balance of the fine or bail forfeiture paid.

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

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

- 198 (i) to repay costs associated with the construction of the court complex that were
 199 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and
 200 (ii) to cover operations and maintenance costs on the court complex.

201 Section 2. Section **78B-6-209** is amended to read:

202 **78B-6-209. Dispute Resolution Fund -- Appropriation.**

203 There is created within the General Fund a restricted account known as the Dispute
 204 Resolution Fund. Three dollars of the fees established in Subsections 78A-2-301(1)(a) through
 205 (e), (1)(g), and (1)~~(f)~~(s) shall be allocated to and deposited in the fund. The Legislature shall
 206 annually appropriate money from the Dispute Resolution Fund to the Administrative Office of
 207 the Courts to implement the purposes of the Alternative Dispute Resolution Act.

208 Section 3. Section **78B-6-1701** is enacted to read:

209 **Part 17. Renewal of Judgment Act**

210 **78B-6-1701. Title.**

211 This part is known as the "Renewal of Judgment Act."

212 Section 4. Section **78B-6-1702** is enacted to read:

213 **78B-6-1702. Renewal by motion.**

214 A judge of a court of record may renew a judgment if:
215 (1) a motion is filed with the court within the original action;
216 (2) the motion is filed before the statute of limitations on the original judgment expires;
217 and
218 (3) the motion includes an affidavit that contains an accounting of the original
219 judgment and all post judgment costs, attorney fees, payments, credits, and other adjustments
220 which are provided for by law or are contained within the original judgment.

221 Section 5. Section **78B-6-1703** is enacted to read:
222 **78B-6-1703. Notice.**
223 Notice of a motion for renewal of judgment is served in accordance with the Rules of
224 Civil Procedure.

225 Section 6. Section **78B-6-1704** is enacted to read:
226 **78B-6-1704. Date and duration of judgment.**
227 Upon granting a motion for the renewal of judgment, the court shall enter a new
228 judgment which shall be valid from the date of entry in accordance with Section 78B-2-311.

Legislative Review Note
as of 2-18-10 11:33 AM

Office of Legislative Research and General Counsel

H.B. 373 - Renewal of Judgment Act Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will result in ongoing General Fund revenue losses of \$33,100 due to certain filing fee changes. This bill will also reduce restricted fund revenue by \$14,400.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	(\$33,100)	(\$33,100)
Restricted Funds	\$0	\$0	\$0	\$0	(\$14,400)	(\$14,400)
Total	\$0	\$0	\$0	\$0	(\$47,500)	(\$47,500)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.