

**FAMILY EXPENSE AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen E. Sandstrom**

Senate Sponsor: Allen M. Christensen

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**LONG TITLE**

**General Description:**

This bill amends the family expense statute to allow a creditor to collect reasonable collection costs and attorney fees.

**Highlighted Provisions:**

This bill:

▶ allows a creditor to collect reasonable collection costs and attorney fees incurred in collecting a debt under the family expense statute.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**30-2-9**, Utah Code Annotated 1953

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

Section 1. Section **30-2-9** is amended to read:

**30-2-9. Family expenses -- Joint and several liability.**

(1) The expenses of the family and the education of the children are chargeable upon the property of both husband and wife or of either of them, and in relation thereto they may be



28 sued jointly or separately.

29           (2) In an action by a creditor against either husband or wife for the payment of a family  
30 expense, the creditor ~~§~~ or debtor as the prevailing party ~~←§~~ shall be entitled to recover  
30a reasonable collection costs ~~§~~, interest, ~~←§~~ and attorney fees ~~§~~ as provided in a contract  
30b between the creditor and debtor ~~←§~~ .

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Legislative Review Note  
as of 2-1-11 1:31 PM

Office of Legislative Research and General Counsel

# FISCAL NOTE

H.B. 334

SHORT TITLE: Family Expense Amendments

SPONSOR: Sandstrom, S.

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$53,900 ongoing from the General Fund for additional debt collection cases beginning in FY 2012. The bill will also increase Court filing fees deposited in the General Fund by \$60,100.

### STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
<b>Revenue:</b>			
General Fund	\$0	\$60,100	\$60,100
Total Revenue	\$0	\$60,100	\$60,100
<b>Expenditure:</b>			
General Fund	\$0	\$53,900	\$53,900
Total Expenditure	\$0	\$53,900	\$53,900
Net Impact, All Funds (Rev.-Exp.)	\$0	\$6,200	\$6,200
Net Impact, General/Education Funds	\$0	\$6,200	\$6,200

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Those involved in a debt collection case would be subject to a court filing fee averaging \$78.