

HB0278S01 compared with HB0278

~~{deleted text}~~ shows text that was in HB0278 but was deleted in HB0278S01.

Inserted text shows text that was not in HB0278 but was inserted into HB0278S01.

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Representative Rebecca Chavez-Houck proposes the following substitute bill:

EXPENSES OF MINOR CHILDREN AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca ~~{Chavez-Houck}~~Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to joint obligations.

Highlighted Provisions:

This bill:

▶ defines terms:

- ▶ under certain circumstances, requires a ~~{person}~~provider to separately bill the parents of a minor child for the portion of the minor child's expenses for which each parent is responsible under court order;
- ▶ under certain circumstances, prohibits a ~~{creditor}~~provider from making a negative credit report against a parent who has paid in full the portion of a minor child's ~~{expenses}~~school fees for which the parent is responsible under court order;
- ▶ addresses the effect of a waiver for one parent on the other parent's obligation to pay

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the ~~{balance}~~ other parent's portion of ~~{a}~~ the minor child's ~~{expenses}~~ school fees;
and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

15-4-1, as last amended by Laws of Utah 1991, Chapter 257

15-4-6.7, as last amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section 15-4-1 is amended to read:

15-4-1. Definitions.

[In] As used in this chapter:

- (1) "Obligation" includes a liability in tort and contractual obligations;
- (2) "Obligee" includes a creditor and a person having a right based on a tort;
- (3) "Obligor" includes a debtor and a person liable for a tort;

~~{(4)}~~ (4) (a) "School fee" means a charge, deposit, rent, or other mandatory payment imposed by:

(i) a public school as defined in Section 26-39-102; or

(ii) a private school that provides education to students in any grade from kindergarten through grade 12.

(b) "School fee" includes:

(i) an admission fee;

(ii) a transportation charge; or

(iii) a charge, deposit, rent, or other mandatory payment imposed by a third party in connection with an activity or function sponsored by a school described in Subsection (4)(a).

~~{(4)}~~ (5) "Several obligors" means obligors severally bound for the same performance.

(6) "Waiver" means the act of not requiring an individual to pay an amount that the

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individual otherwise owes.

Section ~~{1}~~2. Section 15-4-6.7 is amended to read:

15-4-6.7. Medical and miscellaneous expenses of minor children -- Collection and billing pursuant to court or administrative order of child support.

(1) When a court enters an order [~~has been entered providing~~] that provides for the payment of medical and dental expenses of a minor child [~~pursuant to~~] under Section 30-3-5, 30-4-3, or [~~78B-12-212~~] 78B-12-111, or an administrative order under Section 62A-11-326. ~~[{,}]~~

~~— {a} —~~ creditor who has been provided a ~~{service}~~ copy of the order a provider who receives a copy of the order:

(a) at or before the time the provider renders medical or dental services to the minor child shall, upon request ~~{of}~~ from either parent, separately bill each parent for the share of the ~~{bill}~~ medical and dental expenses that the parent is required to pay under the order; and

~~(b) {a creditor who [has been provided] receives a copy of the order:~~

~~— {i} may not~~ regardless of whether the provider receives the copy before, during, or after the provider renders the medical or dental service, may not:

(i) [may not] make a claim for unpaid medical and dental expenses against a parent who has paid in full [~~that~~] the share of the medical and dental expenses [~~required to be paid by~~] that the parent is required to pay under the order[-]; ~~{and}~~ or

~~[(2) When a court order has been entered providing for the payment of medical and dental expenses of a minor child pursuant to Section 30-3-5, 30-4-3, or 78B-12-212, or an administrative order under Section 62A-11-326 and the creditor receives a copy of the order, the creditor]~~

~~(ii) [may not]~~ make a negative credit report under Section 70C-7-107, or report of the debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange, regarding a parent who has paid in full [~~that~~] the share of the medical and dental expenses that the parent is required [~~to be paid by that parent~~] to pay under the order.

(2) (a) When a court enters an order that provides for the payment of ~~{child care expenses, } school fees {, or other expenses described in the court order}~~ of a minor child under Section 30-3-5 ~~{, } or 30-4-3 {, or 78B-12-111}~~:

(i) a ~~{person}~~ provider who receives a copy of the order before the day on which the

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provider first issues a bill for a school fee shall, upon request ~~for~~ from either parent, separately bill each parent for the share of the ~~{child care expenses, }school {fees, or other expenses described in the court order}~~ fee that the parent is required to pay under the order:

(ii) a ~~{creditor}~~ provider who receives a copy of the order, regardless of whether the provider receives the copy before, on, or after the day on which the provider first issues a bill for the school fee may not make a negative credit report under Section 70C-7-107, or report of the debtor's repayment practices or credit history under Title 7, Chapter 14, Credit Information Exchange, regarding a parent who has paid in full the share of the ~~{child care expenses, }school {fees, or others expenses described in the court order}~~ fee that the parent is required to pay under the order; and

(iii) each parent is liable only for the share of the ~~{child care expenses, }school {fees, or other expenses described in the court order}~~ fee that the parent is required to pay under the order.

(b) ~~{If a person described in Subsection (2)(a)(i) grants a waiver to a parent who is subject to}~~ A provider may bill a parent for the parent's share of a minor child's school fee under an order described in Subsection (2)(a) ~~{for}~~ regardless of whether the ~~{parent's portion of a minor child's childcare expenses, school fees, or other expenses described in the court order, the person may bill}~~ provider grants the other parent a waiver for ~~{balance}~~ all or a portion of the other parent's share of the minor child's ~~{child care expenses, school fees, or other expenses described in the court order}~~.

Legislative Review Note

Office of Legislative Research and General Counsel; school fee.

Section 3. Effective date.

This bill takes effect on July 1, 2018.