

COLLECTION PROCESS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Brian S. King

LONG TITLE

General Description:

This bill modifies provisions relating to collection processes.

Highlighted Provisions:

This bill:

- ▶ modifies a provision prohibiting execution, attachment, or garnishment to issue against a governmental entity; and
- ▶ provides an exception for a judgment creditor's garnishment of a state income tax refund owing to the judgment debtor.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-7-603, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section 63G-7-603 is amended to read:

63G-7-603. Exemplary or punitive damages prohibited -- Governmental entity not subject to execution, attachment, or garnishment -- Exception.

(1) (a) A judgment may not be rendered against a governmental entity for exemplary or

29 punitive damages.

30 (b) If a governmental entity would be required to pay the judgment under Section
31 [63G-7-902](#) or [63G-7-903](#), the governmental entity shall pay any judgment or portion of any
32 judgment entered against its employee in the employee's personal capacity even if the judgment
33 is for or includes exemplary or punitive damages.

34 (2) [~~Execution~~] (a) Except as provided in Subsection (2)(b), execution, attachment, or
35 garnishment may not issue against a governmental entity.

36 (b) A judgment creditor may garnish a state income tax refund owing to the judgment
37 debtor.