

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 provisions relating to processes to obtain property held by a governmental entity, including narrowing a provision prohibiting execution, attachment, or garnishment to apply to efforts to collect a judgment against a governmental entity or the governmental entity's employee.

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

78B-5-808, as renumbered and amended by Laws of Utah 2008, Chapter 3

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



28 **exempt from execution, attachment, or garnishment.**

29 (1) (a) A judgment may not be rendered against a governmental entity for exemplary or
30 punitive damages.

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

35 (2) Execution, attachment, or garnishment may not issue against a governmental entity
36 in aid of collecting a judgment against the governmental entity or the governmental entity's
37 employee.

38 Section 2. Section 78B-5-808 is amended to read:

39 **78B-5-808. Salaries of public officers subject to garnishment.**

40 The state and any subdivision, agency, or institution of the state [~~which~~] that has in its
41 possession or under its control any credits or other personal property of[;] or owing [~~any debt~~
42 ~~to, the~~] to a defendant in any action[, ~~whether as salary or wages, as a public official or~~
43 ~~employee~~] may be subject to attachment, garnishment, and execution in accordance with any
44 rights, remedies, and procedures applicable to attachment, garnishment, and execution,
45 respectively, except as provided in Section 78B-5-809.

Legislative Review Note
Office of Legislative Research and General Counsel