

1 **FACILITY OF PAYMENT TO MINOR AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Waldrip**

5 Senate Sponsor: Michael K. McKell

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to payments to a minor.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ increases the statutory threshold for a person who has a duty to pay or deliver
13 money or personal property to a minor from \$10,000 per annum to \$15,000 per
14 annum;

15 ▶ clarifies that, when the money or personal property owed originates from a personal
16 injury claim or a wrongful death claim, the threshold of \$15,000 per annum is the
17 amount paid after other expenses;

18 ▶ provides that money from a personal injury claim or a wrongful death claim shall be
19 held for the minor in a trust until the minor reaches 18 years old;

20 ▶ allows a parent or guardian of the minor to petition the court to request
21 disbursement of the money in the trust before the minor is 18 years old; and

22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **75-5-102**, as last amended by Laws of Utah 2004, Chapter 198

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **75-5-102** is amended to read:33 **75-5-102. Facility of payment or delivery.**

34 (1) Any person under a duty to pay or deliver money or personal property to a minor
35 may perform ~~[this duty]~~ the duty to pay or deliver money or personal property, in amounts not
36 exceeding ~~[\$10,000]~~ \$15,000 per annum, by paying or delivering the money or personal
37 property to:

38 (a) the minor~~[-if he]~~ if:39 (i) the minor is married; or ~~[if]~~

40 (ii) payment to the minor is expressly authorized by statute;

41 (b) any person having the care and custody of the minor with whom the minor resides;

42 or

43 (c) a guardian of the minor.

44 (2) This section does not apply if the person making payment or delivery has actual
45 knowledge that a conservator has been appointed or proceedings for appointment of a
46 conservator of the estate of the minor are pending.

47 ~~[(3) The persons]~~48 (3) (a) Any person, other than the minor, receiving money or property for a minor ~~[are]~~:49 (i) is obligated to apply the money to the support and education of the minor; and

50 (ii) may not pay ~~[themselves]~~ oneself except by way of reimbursement for
51 out-of-pocket expenses for goods and services necessary for the minor's support.

52 (b) Any excess sums of money under Subsection (3)(a) shall be preserved for future
53 support of the minor.

54 (c) Any balance ~~[not so]~~ of money that is not used and any property received for the
55 minor must be turned over to the minor when ~~[he]~~ the minor attains ~~[majority]~~ the age of 18.

56 (4) (a) If any money under Subsection (1) is the result of a personal injury claim or
57 wrongful death claim, the threshold amount of \$15,000 per annum described in Subsection (1)

58 shall be the amount payable to the minor after the payment of medical bills, attorney fees, and
59 costs of litigation that were incurred by the claim.

60 (b) Any person, other than the minor, receiving money under Subsection (4)(a) for a
61 minor shall hold the money in a trust for the sole benefit of the minor.

62 (c) Any money that is held in a trust for a minor under Subsection (4)(b) shall be turned
63 over to the minor when the minor attains the age of 18.

64 (d) Notwithstanding Subsection (4)(c), a parent or guardian of the minor may petition
65 the court to request the disbursement of the money held in the trust for the minor under
66 Subsection (4)(b) at any time before the minor is 18 years old.

67 [~~(4) Persons~~]

68 (5) Any person receiving money under this section on behalf of a minor shall have the
69 power to settle and release in whole or in part the claims belonging to the minor giving rise to
70 the duty to pay money to the minor.

71 [~~(5) Persons who pay or deliver~~]

72 (6) Any person who pays or delivers in accordance with provisions of this section [~~are~~]
73 is not responsible for the proper application thereof.