

COURT FEE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen A. Riebe

House Sponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill creates a refiling fee for a civil court proceeding.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ creates a refiling fee;
 - ▶ requires a party to pay the refiling fee if the party or the court caused a misfiling;
- and
- ▶ requires a party to pay a full fee if the party knowingly caused the misfiling.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78A-2-310, Utah Code Annotated 1953

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

Section 1. Section **78A-2-310** is enacted to read:

78A-2-310. Refiling fee.



- 28 (1) As used in this section:
- 29 (a) "Filing fee" means a fee described in Section [78A-2-301](#) or [78A-2-301.5](#).
- 30 (b) "Misfiling" means when a party files a document that is subject to a filing fee under
31 an incorrect fee category.
- 32 (c) "Party" means a person who pays a filing fee.
- 33 (d) "Refiling fee" means an amount equal to the greater of:
- 34 (i) (A) the amount of the filing fee applicable to the document being refiled; minus
35 (B) the amount of the filing fee the party paid when the misfiling occurred; plus
36 (C) \$25 for the court's administrative costs associated with the refiling; and
37 (ii) zero.
- 38 (2) Except as provided in Subsection (3), if a party or a court causes a misfiling and the
39 party refiles the same document under the correct filing fee category, the party shall pay a
40 refiling fee instead of a filing fee.
- 41 (3) Subsection (2) does not apply if the party knowingly caused the misfiling.