

1 **COURT FEE AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kathleen A. Riebe**

5 House Sponsor: Andrew Stoddard

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

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

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **78A-2-310**, Utah Code Annotated 1953

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

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

27 **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.