

COURT FEE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill addresses court fees.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows the Judicial Council to charge and collect a fee for an electronic payment of a fee in a civil action;
- ▶ requires the Judicial Council to establish the amount of an electronic payment fee by rule;
- ▶ creates the Civil Filing Electronic Payment Fee Restricted Account;
- ▶ addresses the funding and appropriation of funds in the Civil Filing Electronic Payment Fee Restricted Account;
- ▶ requires the Judicial Council to use the funds from the Civil Filing Electronic Payment Fee Restricted Account to pay for costs associated with electronic payments;
- ▶ provides that appropriated funds from the Civil Filing Electronic Payment Fee Restricted Account are nonlapsing;
- ▶ requires the Judicial Council to deposit all electronic payment fees into the Civil Filing Electronic Payment Fee Restricted Account; and
- ▶ makes technical and conforming changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **49-17-301**, as last amended by Laws of Utah 2008, Chapter 3

35 **49-18-301**, as last amended by Laws of Utah 2008, Chapter 3

36 **63I-1-278**, as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423

37 **63J-1-602.1**, as last amended by Laws of Utah 2022, Chapters 48, 191, 255, 335, 415,
38 and 451

39 **78A-2-302**, as last amended by Laws of Utah 2022, Chapter 272

40 **78A-2-408**, as last amended by Laws of Utah 2021, Chapter 224

41 **78A-2-602**, as last amended by Laws of Utah 2018, Chapter 167

42 **78A-8-105**, as last amended by Laws of Utah 2010, Chapter 34

43 **78B-6-209**, as last amended by Laws of Utah 2015, Chapter 74

44 **78B-6-1802**, as enacted by Laws of Utah 2011, Chapter 22

45 ENACTS:

46 **78A-2-301.1**, Utah Code Annotated 1953

47 **78A-2-301.3**, Utah Code Annotated 1953

48 RENUMBERS AND AMENDS:

49 **78A-2-301.2**, (Renumbered from 78A-2-301, as last amended by Laws of Utah 2022,
50 Chapters 276, 384)



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

53 Section 1. Section **49-17-301** is amended to read:

54 **49-17-301. Contributions by members and participating employers -- Retirement**
55 **fees -- Deductions.**

56 (1) In addition to the money paid to this system under Subsection (3), participating
57 employers and members shall jointly pay the certified contribution rates to the office to
58 maintain this system on a financially and actuarially sound basis.

59 (2) The participating employer may make contributions on behalf of members of this
60 system in addition to the contribution required of the participating employer, except that 2% of
61 compensation shall be paid by the member.

62 (3) Fees collected under Subsection [~~78A-2-301(1)(j)(i)~~] 78A-2-301.2(1)(j)(i) shall be
63 paid monthly to the office to maintain this system and the system established under Chapter 18,
64 Judges' Noncontributory Retirement Act.

65 (4) (a) All member contributions are credited by the office to the account of the
66 individual member.

67 (b) This amount, plus refund interest, is held in trust for the payment of benefits to the
68 member or the member's beneficiaries.

69 (c) All member contributions are vested and nonforfeitable.

70 (5) (a) Each member is considered to consent to payroll deductions of the member
71 contributions.

72 (b) The payment of compensation less these payroll deductions is considered full
73 payment for services rendered by the member.

74 Section 2. Section **49-18-301** is amended to read:

75 **49-18-301. Contributions by employees and employers -- Retirement fees.**

76 (1) In addition to the money paid to this system under Subsection (2), participating
77 employers shall pay the certified contribution rates to the office to maintain this system on a
78 financially and actuarially sound basis.

79 (2) Fees collected under Subsection [~~78A-2-301(1)(j)(i)~~] 78A-2-301.2(1)(j)(i) shall be
80 paid monthly to the office to maintain this system and the system established under Chapter 17,
81 Judges' Contributory Retirement Act.

82 Section 3. Section **63I-1-278** is amended to read:

83 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

84 (1) Subsections [~~78A-2-301(4)~~] 78A-2-301.2(4) and 78A-2-301.5(12), regarding the
85 suspension of filing fees for petitions for expungement, are repealed on July 1, 2023.

86 (2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is
87 repealed July 1, 2029.

88 (3) Subsection 78A-7-106(6), regarding the transfer of a criminal action involving a
89 domestic violence offense from the justice court to the district court, is repealed on July 1,

90 2024.

91 (4) Section 78B-4-518, regarding the limitation on employer liability for an employee
92 convicted of an offense, is repealed on July 1, 2025.

93 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
94 2026.

95 (6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
96 Support Guidelines Advisory Committee, is repealed July 1, 2026.

97 (7) Section 78B-22-805, regarding the Interdisciplinary Parental Representation Pilot
98 Program, is repealed December 31, 2024.

99 Section 4. Section 63J-1-602.1 is amended to read:

100 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

101 Appropriations made from the following accounts or funds are nonlapsing:

102 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
103 and Leadership Restricted Account created in Section 4-42-102.

104 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

105 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
106 Section 9-18-102.

107 (4) The National Professional Men's Soccer Team Support of Building Communities
108 Restricted Account created in Section 9-19-102.

109 (5) Funds collected for directing and administering the C-PACE district created in
110 Section 11-42a-106.

111 (6) Money received by the Utah Inland Port Authority, as provided in Section
112 11-58-105.

113 (7) The "Latino Community Support Restricted Account" created in Section 13-1-16.

114 (8) The Clean Air Support Restricted Account created in Section 19-1-109.

115 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
116 Section 19-2a-106.

117 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
118 Section 19-5-126.

119 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
120 Section 23-14-13.5.

121 (12) Award money under the State Asset Forfeiture Grant Program, as provided under
122 Section 24-4-117.

123 (13) Funds collected from the program fund for local health department expenses
124 incurred in responding to a local health emergency under Section 26-1-38.

125 (14) The Children with Cancer Support Restricted Account created in Section
126 26-21a-304.

127 (15) State funds for matching federal funds in the Children's Health Insurance Program
128 as provided in Section 26-40-108.

129 (16) The Children with Heart Disease Support Restricted Account created in Section
130 26-58-102.

131 (17) The Technology Development Restricted Account created in Section 31A-3-104.

132 (18) The Criminal Background Check Restricted Account created in Section
133 31A-3-105.

134 (19) The Captive Insurance Restricted Account created in Section 31A-3-304, except
135 to the extent that Section 31A-3-304 makes the money received under that section free revenue.

136 (20) The Title Licensee Enforcement Restricted Account created in Section
137 31A-23a-415.

138 (21) The Health Insurance Actuarial Review Restricted Account created in Section
139 31A-30-115.

140 (22) The Insurance Fraud Investigation Restricted Account created in Section
141 31A-31-108.

142 (23) The Underage Drinking Prevention Media and Education Campaign Restricted
143 Account created in Section 32B-2-306.

144 (24) The Drinking While Pregnant Prevention Media and Education Campaign
145 Restricted Account created in Section 32B-2-308.

146 (25) The School Readiness Restricted Account created in Section 35A-15-203.

147 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
148 products or services, as provided in Section 35A-13-202.

149 (27) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

150 (28) The Oil and Gas Conservation Account created in Section 40-6-14.5.

151 (29) The Division of Oil, Gas, and Mining Restricted account created in Section

152 40-6-23.

153 (30) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
154 the Motor Vehicle Division.

155 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
156 created by Section 41-3-110 to the State Tax Commission.

157 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
158 Section 53-1-120.

159 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
160 Management, as provided in Section 53-2a-603.

161 (34) The Post Disaster Recovery and Mitigation Restricted Account created in Section
162 53-2a-1302.

163 (35) The Department of Public Safety Restricted Account to the Department of Public
164 Safety, as provided in Section 53-3-106.

165 (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
166 53-8-303.

167 (37) The DNA Specimen Restricted Account created in Section 53-10-407.

168 (38) The Canine Body Armor Restricted Account created in Section 53-16-201.

169 (39) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

170 (40) The Higher Education Capital Projects Fund created in Section 53B-22-202.

171 (41) A certain portion of money collected for administrative costs under the School
172 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

173 (42) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
174 subject to Subsection 54-5-1.5(4)(d).

175 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
176 electronic reference library, as provided in Section 58-3a-105.

177 (44) Certain fines collected by the Division of Professional Licensing for violation of
178 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
179 provided in Section 58-17b-505.

180 (45) Funds collected from a surcharge fee to provide certain licensees with access to an
181 electronic reference library, as provided in Section 58-22-104.

182 (46) Funds collected from a surcharge fee to provide certain licensees with access to an

183 electronic reference library, as provided in Section 58-55-106.

184 (47) Funds collected from a surcharge fee to provide certain licensees with access to an
185 electronic reference library, as provided in Section 58-56-3.5.

186 (48) Certain fines collected by the Division of Professional Licensing for use in
187 education and enforcement of the Security Personnel Licensing Act, as provided in Section
188 58-63-103.

189 (49) The Relative Value Study Restricted Account created in Section 59-9-105.

190 (50) The Cigarette Tax Restricted Account created in Section 59-14-204.

191 (51) Funds paid to the Division of Real Estate for the cost of a criminal background
192 check for a mortgage loan license, as provided in Section 61-2c-202.

193 (52) Funds paid to the Division of Real Estate for the cost of a criminal background
194 check for principal broker, associate broker, and sales agent licenses, as provided in Section
195 61-2f-204.

196 (53) Certain funds donated to the Department of Health and Human Services, as
197 provided in Section 26B-1-202.

198 (54) The National Professional Men's Basketball Team Support of Women and
199 Children Issues Restricted Account created in Section 26B-1-302.

200 (55) Certain funds donated to the Division of Child and Family Services, as provided
201 in Section 80-2-404.

202 (56) The Choose Life Adoption Support Restricted Account created in Section
203 80-2-502.

204 (57) Funds collected by the Office of Administrative Rules for publishing, as provided
205 in Section 63G-3-402.

206 (58) The Immigration Act Restricted Account created in Section 63G-12-103.

207 (59) Money received by the military installation development authority, as provided in
208 Section 63H-1-504.

209 (60) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

210 (61) The Unified Statewide 911 Emergency Service Account created in Section
211 63H-7a-304.

212 (62) The Utah Statewide Radio System Restricted Account created in Section
213 63H-7a-403.

- 214 (63) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 215 (64) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 216 (65) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
217 as provided under Section [63N-10-301](#).
- 218 (66) Funds collected by the housing of state probationary inmates or state parole
219 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 220 (67) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
221 and State Lands, as provided in Section [65A-8-103](#).
- 222 (68) The Amusement Ride Safety Restricted Account, as provided in Section
223 [72-16-204](#).
- 224 (69) Certain funds received by the Office of the State Engineer for well drilling fines or
225 bonds, as provided in Section [73-3-25](#).
- 226 (70) The Water Resources Conservation and Development Fund, as provided in
227 Section [73-23-2](#).
- 228 (71) The Civil Filing Electronic Payment Fee Restricted Account created in Section
229 [78A-2-301.3](#).
- 230 [~~71~~] (72) Funds donated or paid to a juvenile court by private sources, as provided in
231 Subsection [78A-6-203\(1\)\(c\)](#).
- 232 [~~72~~] (73) Fees for certificate of admission created under Section [78A-9-102](#).
- 233 [~~73~~] (74) Funds collected for adoption document access as provided in Sections
234 [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).
- 235 [~~74~~] (75) Funds collected for indigent defense as provided in Title 78B, Chapter 22,
236 Part 4, Utah Indigent Defense Commission.
- 237 [~~75~~] (76) The Utah Geological Survey Oil, Gas, and Mining Restricted Account
238 created in Section [79-3-403](#).
- 239 [~~76~~] (77) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
240 State Park, and Green River State Park, as provided under Section [79-4-403](#).
- 241 [~~77~~] (78) Funds donated as described in Section [41-1a-422](#) for the State Park Fees
242 Restricted Account created in Section [79-4-402](#) for support of the Division of State Parks' dark
243 sky initiative.
- 244 [~~78~~] (79) Certain funds received by the Division of State Parks from the sale or

245 disposal of buffalo, as provided under Section [79-4-1001](#).

246 Section 5. Section **78A-2-301.1** is enacted to read:

247 **78A-2-301.1. Definitions.**

248 As used in this chapter:

249 (1) "Convicted" means:

250 (a) a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental
251 illness, or no contest; and

252 (b) a conviction of any crime or offense.

253 (2) "Electronic payment" means the use of any form of payment processed through
254 electronic means, including a credit card, a debit card, or an automatic clearinghouse
255 transaction.

256 (3) "Electronic payment fee" means a fee imposed by the Judicial Council in
257 accordance with Section [78A-2-301.3](#) to pay for the costs associated with electronic payments.

258 (4) "Indigent" means an individual who is financially unable to pay fees and costs or
259 give security.

260 (5) "Prisoner" means an individual who has been convicted of a crime and is
261 incarcerated for that crime or is being held in custody for trial or sentencing.

262 Section 6. Section **78A-2-301.2**, which is renumbered from Section 78A-2-301 is
263 renumbered and amended to read:

264 ~~[78A-2-301].~~ **78A-2-301.2. Civil fees of the courts of record -- Courts**
265 **complex design.**

266 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
267 court of record not governed by another subsection is \$375.

268 (b) The fee for filing a complaint or petition is:

269 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,
270 interest, and attorney fees is \$2,000 or less;

271 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
272 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

273 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

274 (iv) \$325 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
275 4, Separate Maintenance;

- 276 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5;
- 277 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
- 278 Registry under Section 77-41-112; and
- 279 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or
- 280 adoptive child of the petitioner.
- 281 (c) The fee for filing a small claims affidavit is:
- 282 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
- 283 interest, and attorney fees is \$2,000 or less;
- 284 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
- 285 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 286 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
- 287 interest, and attorney fees is \$7,500 or more.
- 288 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
- 289 complaint, or other claim for relief against an existing or joined party other than the original
- 290 complaint or petition is:
- 291 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 292 \$2,000 or less;
- 293 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 294 greater than \$2,000 and less than \$10,000;
- 295 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
- 296 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 297 (iv) \$130 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
- 298 Chapter 4, Separate Maintenance.
- 299 (e) The fee for filing a small claims counter affidavit is:
- 300 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 301 \$2,000 or less;
- 302 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 303 greater than \$2,000, but less than \$7,500; and
- 304 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 305 \$7,500 or more.
- 306 (f) The fee for depositing funds under Section 57-1-29 when not associated with an

307 action already before the court is determined under Subsection (1)(b) based on the amount
308 deposited.

309 (g) The fee for filing a petition is:

310 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
311 department; and

312 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
313 Section [10-3-703.7](#).

314 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
315 petition for writ of certiorari is \$240.

316 (i) The fee for filing a petition for expungement is \$150.

317 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
318 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
319 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
320 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
321 Act.

322 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
323 allocated by the state treasurer to be deposited into the restricted account, Children's Legal
324 Defense Account, as provided in Section [51-9-408](#).

325 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
326 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided
327 in Section [78B-6-209](#).

328 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
329 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
330 deposited into the restricted account, Court Security Account, as provided in Section
331 [78A-2-602](#).

332 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
333 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the restricted account,
334 Court Security Account, as provided in Section [78A-2-602](#).

335 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
336 United States is \$35.

337 (l) The fee for filing a renewal of judgment in accordance with Section [78B-6-1801](#) is

338 50% of the fee for filing an original action seeking the same relief.

339 (m) The fee for filing probate or child custody documents from another state is \$35.

340 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the
341 State Tax Commission is \$30.

342 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
343 or a judgment, order, or decree of an administrative agency, commission, board, council, or
344 hearing officer of this state or of its political subdivisions other than the State Tax
345 Commission, is \$50.

346 (o) The fee for filing a judgment by confession without action under Section
347 78B-5-205 is \$35.

348 (p) The fee for filing an award of arbitration for confirmation, modification, or
349 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
350 action before the court is \$35.

351 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
352 other than a protective order or stalking injunction is \$100.

353 (r) The fee for filing any accounting required by law is:

354 (i) \$15 for an estate valued at \$50,000 or less;

355 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

356 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

357 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

358 (v) \$175 for an estate valued at more than \$168,000.

359 (s) The fee for filing a demand for a civil jury is \$250.

360 (t) The fee for filing a notice of deposition in this state concerning an action pending in
361 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

362 (u) The fee for filing documents that require judicial approval but are not part of an
363 action before the court is \$35.

364 (v) The fee for a petition to open a sealed record is \$35.

365 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
366 addition to any fee for a complaint or petition.

367 (x) (i) The fee for a petition for authorization for a minor to marry required by Section
368 30-1-9 is \$5.

369 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
370 Emancipation, is \$50.

371 (y) The fee for a certificate issued under Section [26-2-25](#) is \$8.

372 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per
373 page.

374 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
375 per page.

376 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of
377 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
378 Government Records Access and Management Act. [~~Fees under Subsection (1)(bb) and (cc)~~
379 ~~shall be credited to the court as a reimbursement of expenditures~~].

380 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
381 the public to conduct a limited amount of searches on the Xchange database without having to
382 pay a monthly subscription fee.

383 (dd) The Judicial Council may charge and collect an electronic payment fee in
384 accordance with Section [78A-2-301.3](#).

385 [~~(dd)~~] (ee) There is no fee for services or the filing of documents not listed in this
386 section or otherwise provided by law.

387 [~~(ee)~~] (ff) (i) Except as provided in this section, all fees collected under this section are
388 paid to the General Fund.

389 (ii) Except as provided in this section, all fees shall be paid at the time the clerk accepts
390 the pleading for filing or performs the requested service.

391 (iii) Fees under Subsections (1)(bb) and (cc) are credited to the court as a
392 reimbursement of expenditures.

393 [~~(ff)~~] (gg) (i) The filing fees under this section may not be charged to the state, the
394 state's agencies, or political subdivisions filing or defending any action.

395 (ii) In judgments awarded in favor of the state, its agencies, or political subdivisions,
396 except the Office of Recovery Services, the court shall order the filing fees and collection costs
397 to be paid by the judgment debtor.

398 (iii) The sums collected under this Subsection [~~(1)(ff)~~] (1)(gg) shall be applied to the
399 fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by

400 law.

401 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall
402 transfer all revenues representing the difference between the fees in effect after May 2, 1994,
403 and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities
404 Construction and Management Capital Projects Fund.

405 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
406 Construction and Management shall use up to \$3,750,000 of the revenue deposited into the
407 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to
408 initiate the development of a courts complex in Salt Lake City.

409 (B) If the Legislature approves funding for construction of a courts complex in Salt
410 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and
411 Management shall use the revenue deposited into the Capital Projects Fund under this
412 Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

413 (C) After the courts complex is completed and all bills connected with its construction
414 have been paid, the Division of Facilities Construction and Management shall use any money
415 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal
416 District Court building.

417 (iii) The Division of Facilities Construction and Management may enter into
418 agreements and make expenditures related to this project before the receipt of revenues
419 provided for under this Subsection (2)(a)(iii).

420 (iv) The Division of Facilities Construction and Management shall:

421 (A) make those expenditures from unexpended and unencumbered building funds
422 already appropriated to the Capital Projects Fund; and

423 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
424 under this Subsection (2).

425 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
426 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
427 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
428 account.

429 (c) The Division of Finance shall deposit all revenues received from the state court
430 administrator into the restricted account created by this section.

431 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall
432 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
433 Vehicles, in a court of record to the Division of Facilities Construction and Management
434 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be
435 calculated on the balance of the fine or bail forfeiture paid.

436 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7
437 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a
438 court of record to the Division of Finance for deposit in the restricted account created by this
439 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
440 balance of the fine or bail forfeiture paid.

441 (3) (a) There is created within the General Fund a restricted account known as the State
442 Courts Complex Account.

443 (b) The Legislature may appropriate money from the restricted account to the state
444 court administrator for the following purposes only:

445 (i) to repay costs associated with the construction of the court complex that were
446 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

447 (ii) to cover operations and maintenance costs on the court complex.

448 (4) (a) The requirement of a fee for filing a petition for expungement under Subsection
449 (1)(i) is suspended from May 4, 2022, to June 30, 2023.

450 (b) An individual may not be charged a fee for filing a petition for expungement during
451 the time period described in Subsection (4)(a).

452 Section 7. Section 78A-2-301.3 is enacted to read:

453 **78A-2-301.3. Electronic payment fee -- Civil Filing Electronic Payment Fee**

454 **Restricted Account.**

455 (1) The Judicial Council may charge and collect a fee for an electronic payment of a
456 fee paid in accordance with Section 78A-2-301.

457 (2) The Judicial Council shall establish, by rule, the amount of a fee for an electronic
458 payment of a fee paid in accordance with Section 78A-2-301.

459 (3) (a) There is created in the General Fund a restricted account known as the "Civil
460 Filing Electronic Payment Fee Restricted Account."

461 (b) The Civil Filing Electronic Payment Fee Restricted Account is funded from the

462 fees deposited into the account under Subsection (4).

463 (c) The Legislature shall appropriate the funds in the Civil Filing Electronic Payment
464 Fee Restricted Account to the Judicial Council.

465 (d) Upon appropriation by the Legislature under Subsection (3)(c), the Judicial Council
466 shall use the funds from the Civil Filing Electronic Payment Fee Restricted Account to pay for:

467 (i) a charge, discount fee, or processing fee charged by a credit card company or a
468 processing agent to process an electronic payment; or

469 (ii) the costs associated with the purchase of equipment necessary for processing an
470 electronic payment.

471 (e) Appropriations made to the Judicial Council from the Civil Filing Electronic
472 Payment Fee Restricted Account are nonlapsing in accordance with Section [63J-1-602.1](#).

473 (4) The Judicial Council shall deposit all fees collected for an electronic payment into
474 the Civil Filing Electronic Payment Fee Restricted Account.

475 Section 8. Section **78A-2-302** is amended to read:

476 **78A-2-302. Indigent litigants -- Affidavit.**

477 [~~(1) As used in Sections [78A-2-302](#) through [78A-2-309](#):~~]

478 [~~(a) "Convicted" means:~~]

479 [~~(i) a conviction by entry of a plea of guilty or nolo contendere, guilty with a mental~~
480 ~~illness, no contest, and]~~

481 [~~(ii) a conviction of any crime or offense.]~~

482 [~~(b) "Indigent" means an individual who is financially unable to pay fees and costs or~~
483 ~~give security.]~~

484 [~~(c) "Prisoner" means an individual who has been convicted of a crime and is~~
485 ~~incarcerated for that crime or is being held in custody for trial or sentencing.]~~

486 [~~(2)] (1) An individual may institute, prosecute, defend, or appeal any cause in a court~~
487 ~~in this state without prepayment of fees and costs or security if the individual submits an~~
488 ~~affidavit demonstrating that the individual is indigent.~~

489 [~~(3)] (2) A court shall find an individual indigent if the individual's affidavit under~~
490 ~~Subsection [~~(2)~~] (1) demonstrates:~~

491 (a) the individual has an income level at or below 150% of the United States poverty
492 level as defined by the most recent poverty income guidelines published by the United States

493 Department of Health and Human Services;

494 (b) the individual receives benefits from a means-tested government program,
495 including Temporary Assistance to Needy Families, Supplemental Security Income, the
496 Supplemental Nutrition Assistance Program, or Medicaid;

497 (c) the individual receives legal services from a nonprofit provider or a pro bono
498 attorney through the Utah State Bar; or

499 (d) the individual has insufficient income or other means to pay the necessary fees and
500 costs or security without depriving the individual, or the individual's family, of food, shelter,
501 clothing, or other necessities.

502 ~~[(4)]~~ (3) An affidavit demonstrating that an individual is indigent under Subsection
503 ~~[(3)](d)~~ (2)(d) shall contain complete information on the individual's:

504 (a) identity and residence;

505 (b) amount of income, including any government financial support, alimony, or child
506 support;

507 (c) assets owned, including real and personal property;

508 (d) business interests;

509 (e) accounts receivable;

510 (f) securities, checking and savings account balances;

511 (g) debts; and

512 (h) monthly expenses.

513 ~~[(5)]~~ (4) If the individual under Subsection ~~[(3)]~~ (2) is a prisoner, the prisoner shall
514 disclose the amount of money held in the prisoner's trust account at the time the affidavit under
515 Subsection ~~[(2)]~~ (1) is executed in accordance with Section [78A-2-305](#).

516 ~~[(6)]~~ (5) An affidavit of indigency under this section shall state the following:

517 I, (insert name), do solemnly swear or affirm that due to my poverty I am unable to bear
518 the expenses of the action or legal proceedings which I am about to commence or the appeal
519 which I am about to take, and that I believe I am entitled to the relief sought by the action, legal
520 proceedings, or appeal.

521 Section 9. Section **78A-2-408** is amended to read:

522 **78A-2-408. Transcripts and copies -- Fees.**

523 (1) The Judicial Council shall by rule provide for a standard page format for transcripts

524 of court hearings.

525 (2) (a) Except as provided in Subsections (2)(c) and (e), the fee for a transcript of a
526 court session, or any part of a court session, may not be more than \$4.50 per page, which
527 includes the initial preparation of the transcript and one certified copy.

528 (b) The preparer shall:

529 (i) deposit the original text file and printed transcript with the clerk of the court; and

530 (ii) provide the person requesting the transcript with the certified copy.

531 (c) The cost of additional copies of the transcript shall be as provided in Subsection

532 ~~[78A-2-301(1)]~~ 78A-2-301.2(1).

533 (d) The transcript for an appeal shall be prepared within the time period permitted by
534 the Utah Rules of Appellate Procedure.

535 (e) The fee for a transcript prepared:

536 (i) within three business days of the request, shall be 1-1/2 times the base rate; and

537 (ii) within one business day of the request, shall be double the base rate.

538 (3) (a) When a transcript is ordered by the court, the fees shall be paid by the parties to
539 the action in equal proportion or as ordered by the court.

540 (b) The fee for a transcript in a criminal case in which the defendant is found to be an
541 indigent individual, as defined in Section 78B-22-102, shall be paid in accordance with
542 Subsection 78B-22-203(3).

543 (4) (a) The fee for the preparation of a transcript of a court hearing by an official court
544 transcriber and the fee for the preparation of the transcript by a certified court reporter of a
545 hearing before any court, referee, master, board, or commission of this state shall be:

546 (i) in accordance with Subsection (2); and

547 (ii) payable to the person preparing the transcript.

548 (b) Payment for a transcript under this section is the responsibility of the party
549 requesting the transcript.

550 Section 10. Section 78A-2-602 is amended to read:

551 **78A-2-602. Court Security Account -- Creation -- Funding -- Uses.**

552 (1) There is created a restricted account in the General Fund known as the "Court
553 Security Account."

554 (2) The state treasurer shall deposit in the Court Security Account money from:

- 555 (a) the surcharge established in Section [78A-2-601](#);
- 556 (b) the portions of filing fees allocated under Subsections [~~78A-2-301(1)(j)(iv)~~]
- 557 [78A-2-301.2\(1\)\(j\)\(iv\)](#) and (v); and
- 558 (c) the portions of a surcharge allocated under Subsections [78A-7-122\(3\)](#) and (4)(b)(ii).
- 559 (3) The Court Security Account consists of money:
- 560 (a) deposited by the state treasurer under Subsection (2); and
- 561 (b) appropriated by the Legislature.
- 562 (4) Subject to appropriation, the Administrative Office of the Courts shall use the
- 563 allocation to contract for court security at all district and juvenile courts throughout the state.

564 Section 11. Section **78A-8-105** is amended to read:

565 **78A-8-105. Civil filing fees.**

566 (1) Except as provided in this section, the fees for a small claims action in justice court

567 shall be the same as provided in Section [~~78A-2-301~~] [78A-2-301.2](#).

568 (2) Fees collected in small claims actions filed in municipal justice court are remitted

569 to the municipal treasurer. Fees collected in small claims actions filed in a county justice court

570 are remitted to the county treasurer.

571 (3) The fee in the justice court for filing a notice of appeal for trial de novo in a court

572 of record is \$10. The fee covers all services of the justice court on appeal but does not satisfy

573 the trial de novo filing fee in the court of record.

574 Section 12. Section **78B-6-209** is amended to read:

575 **78B-6-209. Dispute Resolution Account -- Appropriation.**

576 (1) There is created a restricted account within the General Fund known as the

577 "Dispute Resolution Account."

578 (2) Five dollars of the fees established in Subsections [~~78A-2-301(1)(a)~~]

579 [78A-2-301.2\(1\)\(a\)](#) through (e), (1)(g), and (1)(s) shall be allocated to and deposited into the

580 Dispute Resolution Account.

581 (3) The Legislature shall annually appropriate money from the Dispute Resolution

582 Account to the Administrative Office of the Courts to implement the purposes of Title 78B,

583 Chapter 6, Part 2, Alternative Dispute Resolution Act.

584 Section 13. Section **78B-6-1802** is amended to read:

585 **78B-6-1802. Renewal by motion.**

586 A court of record may renew a judgment issued by a court if:
587 (1) a motion is filed within the original action;
588 (2) the motion is filed before the statute of limitations on the original judgment expires;
589 (3) the motion includes an affidavit that contains an accounting of the original
590 judgment and all postjudgment payments, credits, and other adjustments which are provided
591 for by law or are contained within the original judgment;
592 (4) the facts in the supporting affidavit are determined by the court to be accurate and
593 the affidavit affirms that notice was sent to the most current address known for the judgment
594 debtor;
595 (5) the time for responding to the motion has expired; and
596 (6) the fee required by Subsection [~~78A-2-301(1)(f)~~] 78A-2-301.2(1)(l) has been paid
597 to the clerk of the court.