

RENEWAL OF JUDGMENT ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

Committee Note:

The Judiciary, Law Enforcement, and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill establishes a process and fee for renewal of judgments.

Highlighted Provisions:

This bill:

- ▶ establishes a process and fee for renewal of judgments;
- ▶ establishes the renewal period for eight years; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-301, as last amended by Laws of Utah 2010, Chapters 278 and 283

78B-6-209, as last amended by Laws of Utah 2010, Chapter 278

ENACTS:

78B-6-1801, Utah Code Annotated 1953



- 28 **78B-6-1802**, Utah Code Annotated 1953
- 29 **78B-6-1803**, Utah Code Annotated 1953
- 30 **78B-6-1804**, Utah Code Annotated 1953



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

33 Section 1. Section **78A-2-301** is amended to read:

34 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

35 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
36 court of record not governed by another subsection is \$360.

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

38 (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs,
39 interest, and attorney fees is \$2,000 or less;

40 (ii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
41 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

42 (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;

43 (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
44 4, Separate Maintenance; and

45 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5.

46 (c) The fee for filing a small claims affidavit is:

47 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
48 interest, and attorney fees is \$2,000 or less;

49 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
50 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

51 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
52 interest, and attorney fees is \$7,500 or more.

53 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
54 complaint, or other claim for relief against an existing or joined party other than the original
55 complaint or petition is:

56 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
57 \$2,000 or less;

58 (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is

59 greater than \$2,000 and less than \$10,000;

60 (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is
61 \$10,000 or more, or the party seeks relief other than monetary damages; and

62 (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
63 Chapter 4, Separate Maintenance.

64 (e) The fee for filing a small claims counter affidavit is:

65 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
66 \$2,000 or less;

67 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
68 greater than \$2,000, but less than \$7,500; and

69 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
70 \$7,500 or more.

71 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
72 action already before the court is determined under Subsection (1)(b) based on the amount
73 deposited.

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

75 (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims
76 department; and

77 (ii) \$65 for an appeal of a municipal administrative determination in accordance with
78 Section 10-3-703.7.

79 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
80 petition for writ of certiorari is \$225.

81 (i) The fee for filing a petition for expungement is \$135.

82 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
83 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
84 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
85 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
86 Act.

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

90 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
91 and (1)(~~f~~)(s) shall be allocated to and deposited with the Dispute Resolution Account as
92 provided in Section 78B-6-209.

93 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
94 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
95 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

96 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and
97 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court
98 Security Account, as provided in Section 78A-2-602.

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

101 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
102 50% of the fee for filing an original action seeking the same relief.

103 ~~(h)~~ (m) The fee for filing probate or child custody documents from another state is
104 \$35.

105 ~~(m)~~ (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of
106 the Utah State Tax Commission is \$30.

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

111 ~~(n)~~ (o) The fee for filing a judgment by confession without action under Section
112 78B-5-205 is \$35.

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

116 ~~(p)~~ (q) The fee for filing a petition or counter-petition to modify a decree of divorce is
117 \$100.

118 ~~(q)~~ (r) The fee for filing any accounting required by law is:

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

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

- 121 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 122 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 123 (v) \$175 for an estate valued at more than \$168,000.
- 124 ~~[(r)]~~ (s) The fee for filing a demand for a civil jury is \$250.
- 125 ~~[(s)]~~ (t) The fee for filing a notice of deposition in this state concerning an action
- 126 pending in another state under Utah Rule of Civil Procedure 26 is \$35.
- 127 ~~[(t)]~~ (u) The fee for filing documents that require judicial approval but are not part of
- 128 an action before the court is \$35.
- 129 ~~[(u)]~~ (v) The fee for a petition to open a sealed record is \$35.
- 130 ~~[(v)]~~ (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
- 131 addition to any fee for a complaint or petition.
- 132 ~~[(w)]~~ (x) (i) The fee for a petition for authorization for a minor to marry required by
- 133 Section 30-1-9 is \$5.
- 134 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6,
- 135 Part 8, Emancipation, is \$50.
- 136 ~~[(x)]~~ (y) The fee for a certificate issued under Section 26-2-25 is \$8.
- 137 ~~[(y)]~~ (z) The fee for a certified copy of a document is \$4 per document plus 50 cents
- 138 per page.
- 139 ~~[(z)]~~ (aa) The fee for an exemplified copy of a document is \$6 per document plus 50
- 140 cents per page.
- 141 ~~[(aa)]~~ (bb) The Judicial Council shall by rule establish a schedule of fees for copies of
- 142 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
- 143 Government Records Access and Management Act. Fees under this Subsection (1)~~[(aa)]~~(bb)
- 144 shall be credited to the court as a reimbursement of expenditures.
- 145 ~~[(bb)]~~ (cc) There is no fee for services or the filing of documents not listed in this
- 146 section or otherwise provided by law.
- 147 ~~[(cc)]~~ (dd) Except as provided in this section, all fees collected under this section are
- 148 paid to the General Fund. Except as provided in this section, all fees shall be paid at the time
- 149 the clerk accepts the pleading for filing or performs the requested service.
- 150 ~~[(dd)]~~ (ee) The filing fees under this section may not be charged to the state, its
- 151 agencies, or political subdivisions filing or defending any action. In judgments awarded in

152 favor of the state, its agencies, or political subdivisions, except the Office of Recovery
153 Services, the court shall order the filing fees and collection costs to be paid by the judgment
154 debtor. The sums collected under this Subsection (1)~~(dd)~~(ee) shall be applied to the fees after
155 credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

156 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
157 shall transfer all revenues representing the difference between the fees in effect after May 2,
158 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of
159 Facilities Construction and Management Capital Projects Fund.

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

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

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

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

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

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

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

180 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
181 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
182 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted

183 account.

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

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

191 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
192 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
193 a court of record to the Division of Finance for deposit in the restricted account created by this
194 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
195 balance of the fine or bail forfeiture paid.

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

198 (b) The Legislature may appropriate money from the restricted account to the
199 administrator of the courts for the following purposes only:

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

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

203 Section 2. Section **78B-6-209** is amended to read:

204 **78B-6-209. Dispute Resolution Restricted Account -- Appropriation.**

205 There is created a restricted account within the General Fund known as the "Dispute
206 Resolution Account." Three dollars of the fees established in Subsections 78A-2-301(1)(a)
207 through (e), (1)(g), and (1)(~~+~~)(s) shall be allocated to and deposited in the restricted account.
208 The Legislature shall annually appropriate money from the Dispute Resolution Account to the
209 Administrative Office of the Courts to implement the purposes of the Alternative Dispute
210 Resolution Act.

211 Section 3. Section **78B-6-1801** is enacted to read:

212 **Part 18. Renewal of Judgment Act**

213 **78B-6-1801. Title.**

214 This part is known as the "Renewal of Judgment Act."
215 Section 4. Section **78B-6-1802** is enacted to read:
216 **78B-6-1802. Renewal by motion.**
217 A court of record may renew a judgment if:
218 (1) a motion is filed within the original action;
219 (2) the motion is filed before the statute of limitations on the original judgment expires;
220 (3) the motion includes an affidavit that contains an accounting of the original
221 judgment and all postjudgment payments, credits, and other adjustments which are provided
222 for by law or are contained within the original judgment;
223 (4) the facts in the supporting affidavit are uncontested;
224 (5) the time for responding to the motion has expired; and
225 (6) the fee required by Subsection 78A-2-301(1)(l) has been paid to the clerk of the
226 court.
227 Section 5. Section **78B-6-1803** is enacted to read:
228 **78B-6-1803. Notice.**
229 Notice of a motion for renewal of judgment is served in accordance with the Rules of
230 Civil Procedure.
231 Section 6. Section **78B-6-1804** is enacted to read:
232 **78B-6-1804. Date and duration of judgment.**
233 Upon granting a motion for the renewal of judgment, the court shall enter an order
234 which renews the original judgment from the date of entry of the order or from the scheduled
235 expiration date of the original order, whichever occurs first, for the same amount of time as the
236 original judgment.

Legislative Review Note
as of 11-18-10 8:13 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 10, 2011 General Session

SHORT TITLE: **Renewal of Judgment Act**

SPONSOR: **Froerer, G.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will likely generate \$190,000 in ongoing General Fund revenue. That revenue would more than offset an estimated \$169,100 cost to the Courts for increased judge and clerk time. The net General Fund impact would be \$20,900 in ongoing revenue.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$190,000	\$190,000
Total Revenue	\$0	\$190,000	\$190,000
Expenditure:			
General Fund	\$0	\$169,100	\$169,100
Total Expenditure	\$0	\$169,100	\$169,100
Net Impact, All Funds (Rev.-Exp.)	\$0	\$20,900	\$20,900
Net Impact, General/Education Funds	\$0	\$20,900	\$20,900

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Approximately 4,000 parties filing a "renewal of judgement" motion created in this bill will be charged a fee between \$40 and \$240 generating \$190,000 in ongoing revenue.