

TECHNICAL CODE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

House Sponsor: Marsha Judkins

LONG TITLE

General Description:

This bill amends provisions to modify gender-specific language.

Highlighted Provisions:

This bill:

- ▶ amends provisions to modify gender-specific language;
- ▶ enacts changes to conform with legislative drafting standards; and
- ▶ makes other technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

6-1-2, as enacted in Utah Code Annotated 1953

6-1-4, as enacted in Utah Code Annotated 1953

6-1-10, as enacted in Utah Code Annotated 1953

6-1-11, as enacted in Utah Code Annotated 1953

6-1-13, as enacted in Utah Code Annotated 1953

6-1-14, as enacted in Utah Code Annotated 1953

6-1-16, as enacted in Utah Code Annotated 1953



- 28 **6-1-17**, as enacted in Utah Code Annotated 1953
- 29 **6-1-18**, as enacted in Utah Code Annotated 1953
- 30 **10-8-42**, as enacted in Utah Code Annotated 1953
- 31 **10-8-78**, as enacted in Utah Code Annotated 1953
- 32 **10-8-85**, as enacted in Utah Code Annotated 1953
- 33 **11-1-1**, as enacted in Utah Code Annotated 1953
- 34 **11-6-1**, as enacted in Utah Code Annotated 1953
- 35 **11-7-4**, as enacted by Laws of Utah 1957, Chapter 19
- 36 **15-2-2**, as enacted in Utah Code Annotated 1953
- 37 **15-2-3**, as enacted in Utah Code Annotated 1953
- 38 **15-2-4**, as enacted in Utah Code Annotated 1953
- 39 **15-3-1**, as enacted in Utah Code Annotated 1953
- 40 **15-4-5**, as enacted in Utah Code Annotated 1953
- 41 **15-4-6**, as enacted in Utah Code Annotated 1953
- 42 **16-7-6**, as enacted in Utah Code Annotated 1953
- 43 **17-3-9**, as enacted in Utah Code Annotated 1953
- 44 **17-16-12**, as enacted in Utah Code Annotated 1953
- 45 **17-22-10**, as enacted in Utah Code Annotated 1953
- 46 **17-22-11**, as enacted in Utah Code Annotated 1953
- 47 **17-22-13**, as enacted in Utah Code Annotated 1953
- 48 **17-22-14**, as enacted in Utah Code Annotated 1953
- 49 **17-22-15**, as enacted in Utah Code Annotated 1953
- 50 **17-22-16**, as enacted in Utah Code Annotated 1953
- 51 **17-22-17**, as enacted in Utah Code Annotated 1953
- 52 **17-22-18**, as enacted in Utah Code Annotated 1953
- 53 **17-22-19**, as enacted in Utah Code Annotated 1953
- 54 **17-22-20**, as enacted in Utah Code Annotated 1953
- 55 **17-22-24**, as enacted in Utah Code Annotated 1953
- 56 **17-22-25**, as enacted in Utah Code Annotated 1953
- 57 **17-30-10**, as enacted by Initiative Measure, 1960
- 58 **17-30-16**, as enacted by Initiative Measure, 1960

59 17-30-17, as enacted by Initiative Measure, 1960
60 17-30-20, as enacted by Initiative Measure, 1960
61 22-1-4, as enacted in Utah Code Annotated 1953
62 22-1-5, as enacted in Utah Code Annotated 1953
63 22-1-6, as enacted in Utah Code Annotated 1953
64 22-1-7, as enacted in Utah Code Annotated 1953
65 22-1-8, as enacted in Utah Code Annotated 1953
66 22-1-9, as enacted in Utah Code Annotated 1953
67 22-2-1, as enacted in Utah Code Annotated 1953
68 25-5-1, as enacted in Utah Code Annotated 1953
69 25-5-3, as enacted in Utah Code Annotated 1953
70 25-5-6, as enacted in Utah Code Annotated 1953
71 25-5-7, as enacted in Utah Code Annotated 1953
72 29-1-1, as enacted in Utah Code Annotated 1953
73 34-19-8, as enacted by Laws of Utah 1969, Chapter 85
74 34-19-11, as enacted by Laws of Utah 1969, Chapter 85
75 34-20-1, as enacted by Laws of Utah 1969, Chapter 85
76 34-26-2, as enacted by Laws of Utah 1969, Chapter 85
77 34-26-3, as enacted by Laws of Utah 1969, Chapter 85
78 34-27-1, as enacted by Laws of Utah 1969, Chapter 85
79 34-29-9, as enacted by Laws of Utah 1969, Chapter 85
80 34-29-19, as enacted by Laws of Utah 1969, Chapter 85
81 34-30-8, as enacted by Laws of Utah 1969, Chapter 85
82 34-33-1, as enacted by Laws of Utah 1969, Chapter 85
83 34-34-13, as enacted by Laws of Utah 1969, Chapter 85
84 38-2-1, as enacted in Utah Code Annotated 1953
85 38-2-2, as last amended by Laws of Utah 1953, Chapter 61
86 38-2-3.1, as enacted by Laws of Utah 1953, Chapter 62
87 38-2-5, as enacted in Utah Code Annotated 1953
88 38-3-3, as enacted in Utah Code Annotated 1953
89 38-7-3, as enacted by Laws of Utah 1965, Chapter 75

- 90 **40-1-2**, as enacted in Utah Code Annotated 1953
- 91 **40-1-12**, as enacted in Utah Code Annotated 1953
- 92 **41-4-2**, as enacted in Utah Code Annotated 1953
- 93 **41-4-3**, as enacted in Utah Code Annotated 1953
- 94 **41-4-12**, as enacted in Utah Code Annotated 1953
- 95 **41-19-1**, as enacted by Laws of Utah 1967, Chapter 53
- 96 **42-1-1**, as enacted in Utah Code Annotated 1953
- 97 **43-1-2**, as enacted in Utah Code Annotated 1953
- 98 **47-1-2**, as enacted in Utah Code Annotated 1953
- 99 **47-1-3**, as enacted in Utah Code Annotated 1953
- 100 **47-1-7**, as enacted in Utah Code Annotated 1953
- 101 **52-1-8**, as enacted in Utah Code Annotated 1953
- 102 **52-1-11**, as enacted in Utah Code Annotated 1953
- 103 **54-4-20**, as enacted in Utah Code Annotated 1953
- 104 **54-7-7**, as enacted in Utah Code Annotated 1953
- 105 **54-8-12**, as enacted by Laws of Utah 1969, Chapter 157
- 106 **56-1-19**, as enacted in Utah Code Annotated 1953
- 107 **56-1-20**, as enacted in Utah Code Annotated 1953
- 108 **57-1-4**, as enacted in Utah Code Annotated 1953
- 109 **57-1-11**, as enacted in Utah Code Annotated 1953
- 110 **57-2-12**, as enacted in Utah Code Annotated 1953
- 111 **57-2-15**, as enacted in Utah Code Annotated 1953
- 112 **57-2-16**, as enacted in Utah Code Annotated 1953
- 113 **57-2-17**, as enacted in Utah Code Annotated 1953
- 114 **57-6-2**, as enacted in Utah Code Annotated 1953
- 115 **57-6-3**, as enacted in Utah Code Annotated 1953
- 116 **57-6-7**, as enacted in Utah Code Annotated 1953
- 117 **57-6-8**, as enacted in Utah Code Annotated 1953
- 118 **57-8-19**, as enacted by Laws of Utah 1963, Chapter 111
- 119 **57-8-25**, as enacted by Laws of Utah 1963, Chapter 111
- 120 **57-8-26**, as enacted by Laws of Utah 1963, Chapter 111

- 121 [57-9-4](#), as enacted by Laws of Utah 1963, Chapter 109
- 122 [57-9-8](#), as enacted by Laws of Utah 1963, Chapter 109
- 123 [67-1-4](#), as enacted in Utah Code Annotated 1953
- 124 [67-1-6](#), as enacted in Utah Code Annotated 1953
- 125 [67-3-2](#), as enacted in Utah Code Annotated 1953
- 126 [67-4-15](#), as enacted in Utah Code Annotated 1953
- 127 [67-9-2](#), as enacted in Utah Code Annotated 1953
- 128 [67-16-9](#), as enacted by Laws of Utah 1969, Chapter 128
- 129 [69-1-4](#), as enacted in Utah Code Annotated 1953
- 130 [73-1-9](#), as enacted in Utah Code Annotated 1953
- 131 [73-1-12](#), as enacted in Utah Code Annotated 1953
- 132 [73-2-1.2](#), as enacted by Laws of Utah 1967, Chapter 176
- 133 [73-2-1.3](#), as enacted by Laws of Utah 1967, Chapter 176
- 134 [73-2-11](#), as enacted in Utah Code Annotated 1953
- 135 [73-3-11](#), as enacted in Utah Code Annotated 1953
- 136 [73-3-19](#), as enacted in Utah Code Annotated 1953
- 137 [73-4-2](#), as last amended by Laws of Utah 1969, Chapter 198
- 138 [73-4-23](#), as enacted in Utah Code Annotated 1953

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

141 Section 1. Section **6-1-2** is amended to read:

142 **6-1-2. When assignment void.**

143 An assignment for the benefit of creditors is void against any creditor of the assignor
 144 not assenting thereto in the following cases:

145 (1) if it gives a preference dependent upon any condition or contingency, or with any
 146 power of revocation reserved;

147 (2) if it tends to coerce any creditor to release or compromise ~~his~~ the creditor's
 148 demand;

149 (3) if it provides for the payment of any claim known by the assignor to be false or
 150 fraudulent, or for the payment of more upon any claim than is known to be justly due from the
 151 assignor;

152 (4) if it reserves any interest in the assigned property or in any part thereof to the
153 assignor or for ~~his~~ the assignor's benefit before all ~~his~~ the assignor's existing debts are paid;
154 and

155 (5) if it confers upon the assignee any power which, if exercised, might prevent or
156 delay the immediate conversion of the assigned property to the purposes of the trust; provided,
157 that the assignment may provide reasonable terms and manner of sale to be carried out only so
158 far as practicable and not prejudicial to the interest of the estate in the discretion of the court.

159 Section 2. Section **6-1-4** is amended to read:

160 **6-1-4. Inventory -- Bond.**

161 The assignee shall forthwith file with the clerk of the district court of the county where
162 the property assigned is located a true and full inventory and valuation of said estate, under
163 oath, so far as the same has come to ~~his~~ the assignee's knowledge, and shall then enter into
164 bonds to the state for the use of the creditors in double the amount of the inventory and
165 valuation, with one or more sureties to be approved by said clerk, for the faithful performance
166 of said trust; and the assignee may thereupon proceed to perform any duty necessary to carry
167 into effect the purpose of said assignment.

168 Section 3. Section **6-1-10** is amended to read:

169 **6-1-10. Dividends to creditors.**

170 If no exception is made and filed to the claim of any creditor, or if the same has been
171 adjudicated, the court shall order the assignee to make from time to time fair and equal
172 dividends among the creditors of the assets in ~~his~~ the assignee's hands in proportion to ~~their~~
173 the creditors' claims and according to the preferences or classes, if any, named in the
174 assignment, and as soon as may be to render a final account of ~~his~~ the assignee's trust to the
175 court. If upon making the final dividend to creditors the assignee shall be unable after
176 reasonable efforts to ascertain the place of residence of any creditor or the person who is
177 authorized to receive the dividend due any creditor, ~~he~~ the assignee shall report the same to
178 the court, with evidence showing diligent attempts to find such creditor or person authorized to
179 receive the dividend; whereupon the court may in its discretion order the distribution of the
180 unclaimed dividend among the other creditors.

181 Section 4. Section **6-1-11** is amended to read:

182 **6-1-11. Court to supervise administration.**

183 The assignee shall at all times be subject to the order and supervision of the court or
184 judge and from time to time may be compelled, by citation or attachment, to file reports of [his]
185 the assignee's proceedings and of the situation and condition of the trust, and to proceed in the
186 execution of the duties required by this title.

187 Section 5. Section **6-1-13** is amended to read:

188 **6-1-13. Failure to file inventory -- Examination of debtor.**

189 No assignment shall be declared fraudulent or void for want of any list or inventory as
190 provided in this title. The court or judge may, upon application of the assignee or any creditor,
191 compel the appearance in person of the debtor before such court or judge, forthwith or at the
192 next term, to answer under oath such matters as may be inquired of [~~him~~] the debtor, and such
193 debtor may be fully examined under oath as to the amount and situation of [his] the debtor's
194 estate, and the names of the creditors and amounts due to each with their places of residence,
195 and may be compelled to deliver to the assignee any property or estate embraced in the
196 assignment.

197 Section 6. Section **6-1-14** is amended to read:

198 **6-1-14. Subsequent inventory -- Additional bond.**

199 The assignee shall from time to time file with the clerk of the court an inventory and
200 valuation of any additional property which may come into [his] the assignee's hands under the
201 assignment after the filing of the first inventory, and the clerk or the judge of the court may
202 thereupon require [~~him~~] the assignee to give additional security.

203 Section 7. Section **6-1-16** is amended to read:

204 **6-1-16. Sales -- Confirmation.**

205 The assignee may dispose of and sell all the estate assigned, real and personal, which
206 the debtor had at the time of the assignment, may sue for and recover in [his] the assignee's
207 own name everything belonging or appertaining to said estate, and generally do whatever the
208 debtor might have done in the premises; but no sale of real estate belonging to said trust shall
209 be made without notice published as in case of sales of real estate on execution, unless the
210 court or judge shall otherwise order, and no such sales shall be valid until approved by the
211 court or judge.

212 Section 8. Section **6-1-17** is amended to read:

213 **6-1-17. Removal of assignee.**

214 Upon a written application of a majority of the creditors in amount the court shall
215 remove the assignee and appoint in ~~his~~ the assignee's stead a person approved by the creditors
216 in the same number and amount, and the person so removed shall immediately turn over to the
217 clerk of the court, or any person appointed by the court, all money and property of the estate in
218 ~~his~~ the removed assignee's hands.

219 Section 9. Section **6-1-18** is amended to read:

220 **6-1-18. Death or neglect of assignee.**

221 If an assignee dies before the closing of ~~his~~ the assignee's trust, or shall fail or neglect
222 for the period of 20 days after making of any assignment to file an inventory and valuation and
223 give bond as required in this title, the district court or any judge thereof of the county where
224 such assignment may be recorded, on the application of any person interested, shall appoint
225 some person to execute the trust, who shall on giving bond have all the powers of the assignee
226 first appointed and be subject to all the duties hereby imposed. If it is shown to the court at any
227 time that an assignee is guilty of wasting or misapplying the trust fund, ~~he~~ that assignee may
228 be removed, and a successor appointed in the same manner.

229 Section 10. Section **10-8-42** is amended to read:

230 **10-8-42. Intoxicating liquors -- Prohibitions on manufacture, sale, possession, etc.**

231 They may prohibit, except as provided by law, any person from knowingly having in
232 ~~his~~ the person's possession any intoxicating liquor, and the manufacture, sale, keeping or
233 storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising,
234 distributing, giving away, exchanging, dispensing or serving of intoxicating liquors.

235 Section 11. Section **10-8-78** is amended to read:

236 **10-8-78. Official bonds and reports.**

237 They may require all municipal officers and agents, elected or appointed, to give bond
238 and security for the faithful performance of their duties, and require from every officer of the
239 city at any time a report in detail of all transactions in ~~his~~ the officer of the city's office or any
240 matters connected therewith.

241 Section 12. Section **10-8-85** is amended to read:

242 **10-8-85. Prison labor and fines.**

243 They may provide by ordinance that any person committed to the county or municipal
244 jail or other place of incarceration as a punishment or in default of the payment of a fine, or

245 fine and costs, shall be required to work for the city at such labor as [his] the person's strength
246 will permit not exceeding eight hours in each working day; and that a judgment that the
247 defendant pay a fine or a fine and costs may also direct that [he] the defendant be imprisoned
248 until the amount thereof is satisfied, specifying the extent of imprisonment which cannot
249 exceed one day for each \$2 of such amount.

250 Section 13. Section 11-1-1 is amended to read:

251 **11-1-1. Auditor's certificate to show obligation within debt limit.**

252 The county auditor of each county, the auditor of each city, and the clerk of each board
253 of education in this state shall endorse a certificate upon every bond, warrant or other evidence
254 of debt, issued pursuant to law by any such officer, that the same is within the lawful debt limit
255 of such county, city or school district, respectively, and is issued according to law. [He] The
256 officer shall sign such certificate in [his] the officer's official character.

257 Section 14. Section 11-6-1 is amended to read:

258 **11-6-1. Records to be kept -- Availability to peace officers.**

259 Pawnbrokers and dealers in secondhand goods shall keep records containing a
260 description of all articles received by them, the amounts paid therefor or advanced thereon, a
261 general description of the person from whom received, together with [his] the person's name
262 and address and the date of the transaction. Such records shall at all reasonable times be
263 accessible to any peace officer who demands an inspection thereof, and any further information
264 regarding such transaction that [he] the peace officer may require shall be given by
265 pawnbrokers and secondhand dealers to the best of their ability. In cities of the first and the
266 second class at the close of each day's business pawnbrokers shall mail a copy of such records
267 to the sheriff of the county in which they are located.

268 Section 15. Section 11-7-4 is amended to read:

269 **11-7-4. Death or injury of firefighter while fighting fire outside territorial limits.**

270 The effect of the death or injury of any [fireman] firefighter who is killed or injured
271 outside the territorial limits of the county or municipality where [he] the firefighter is a member
272 of the fire-fighting force or fire department and while that force or department is functioning
273 pursuant to any contract made under Section 11-7-1 shall be the same as if [he] the firefighter
274 were killed or injured while that force or department was functioning within its own territorial
275 limits, and [his] the firefighter's death shall be considered in the line of duty.

276 Section 16. Section **15-2-2** is amended to read:

277 **15-2-2. Liability for necessities and on contracts -- Disaffirmance.**

278 A minor is bound not only for reasonable value of necessities but also by ~~his~~ the
279 minor's contracts, unless ~~he~~ the minor disaffirms them before or within a reasonable time
280 after ~~he~~ the minor attains ~~his~~ majority and restores to the other party all money or property
281 received by ~~him~~ the minor by virtue of said contracts and remaining within ~~his~~ the minor's
282 control at any time after attaining ~~his~~ majority.

283 Section 17. Section **15-2-3** is amended to read:

284 **15-2-3. Limitation on right to disaffirm.**

285 No contract can be thus disaffirmed in cases where, on account of the minor's own
286 misrepresentations as to ~~his~~ the minor's majority or from ~~his~~ the minor having engaged in
287 business as adult, the other party had good reason to believe the minor capable of contracting.

288 Section 18. Section **15-2-4** is amended to read:

289 **15-2-4. Payment for personal services.**

290 When a contract for the personal services of a minor has been made with ~~him~~ the
291 minor alone, and those services are afterward performed, payment made therefor to such minor
292 in accordance with the terms of the contract is a full satisfaction for those services, and the
293 parent or guardian cannot recover therefor a second time.

294 Section 19. Section **15-3-1** is amended to read:

295 **15-3-1. Conveyances, releases, sales by persons acting jointly.**

296 A conveyance, release or sale may be made to or by two or more persons acting jointly
297 and one or more, but less than all, of these persons acting either ~~by himself or themselves~~
298 alone or with other persons; and a contract may be made between such parties.

299 Section 20. Section **15-4-5** is amended to read:

300 **15-4-5. Release of co-obligor -- Effect of knowledge of obligee.**

301 (1) If an obligee releasing or discharging an obligor without express reservation of
302 rights against a co-obligor then knows or has reason to know that the obligor released or
303 discharged did not pay as much of the claim as ~~he~~ that obligor was bound by ~~his~~ that
304 obligor's contract or relation with that co-obligor to pay, the obligee's claim against that
305 co-obligor shall be satisfied to the amount which the obligee knew or had reason to know that
306 the released or discharged obligor was bound to such co-obligor to pay.

307 (2) If an obligee so releasing or discharging an obligor has not then such knowledge or
308 reason to know, the obligee's claim against the co-obligor shall be satisfied to the extent of the
309 lesser of two amounts, namely:

- 310 (a) the amount of the fractional share of the obligor released or discharged; or
- 311 (b) the amount that such obligor was bound by ~~[his]~~ that obligor's contract or relation
312 with the co-obligor to pay.

313 Section 21. Section **15-4-6** is amended to read:

314 **15-4-6. Death of joint obligor -- Survivorship.**

315 On the death of a joint obligor in contract ~~[his]~~ the joint obligor's executor or
316 administrator shall be bound as such jointly and severally with the surviving obligor or
317 obligors.

318 Section 22. Section **16-7-6** is amended to read:

319 **16-7-6. Powers of corporations sole.**

320 Upon making and filing articles of incorporation as herein provided the person
321 subscribing the same and ~~[his]~~ the person's successor in office, by the name or title specified in
322 the articles, shall thereafter be deemed and is hereby created a body politic and a corporation
323 sole, with perpetual succession, and shall have power:

324 (1) To acquire and possess, by donation, gift, bequest, devise or purchase, and to hold
325 and maintain, property, real, personal and mixed; and to grant, sell, convey, rent or otherwise
326 dispose of the same as may be necessary to carry on or promote the objects of the corporation.

327 (2) To borrow money and to give written obligations therefor, and to secure the
328 payment thereof by mortgage or other lien upon real or personal property, when necessary to
329 promote such objects.

330 (3) To contract and be contracted with.

331 (4) To sue and be sued.

332 (5) To plead and be impleaded in all courts of justice.

333 (6) To have and use a common seal by which all deeds and acts of such corporation
334 may be authenticated.

335 Section 23. Section **17-3-9** is amended to read:

336 **17-3-9. Division of taxes.**

337 Whenever a new county shall be created under the provisions of this chapter and the

338 officers thereof shall have duly qualified the county treasurer of the county from which territory
339 has been taken to create such new county shall furnish to the county treasurer of such new
340 county a certified list of all taxes collected by ~~[him]~~ the county treasurer of the county from
341 which territory has been taken for the preceding year upon the property located within such
342 portion of ~~[his]~~ that county as has become a part of such new county, together with the entire
343 amount of such county, district school or other special taxes ~~[by him collected]~~ collected by the
344 county treasurer of the county from which territory has been taken for such preceding year, less
345 the pro rata cost of assessing and collecting the same and the entire cost of making said
346 certified lists.

347 Section 24. Section **17-16-12** is amended to read:

348 **17-16-12. Business to be finished before expiration of term.**

349 It shall be the duty of all officers in this title named to complete the business of their
350 respective offices to the time of the expiration of their respective terms, and in case an officer
351 at the close of ~~[his]~~ the officer's term shall leave to ~~[his]~~ the officer's successor official labor to
352 be performed for which ~~[he]~~ the officer has received compensation or which it was ~~[his]~~ the
353 officer's duty to perform, ~~[he]~~ the officer shall be liable to pay ~~[his]~~ the officer's successor the
354 full value of such service.

355 Section 25. Section **17-22-10** is amended to read:

356 **17-22-10. Prisoners under civil process.**

357 Whenever a person is committed upon process in a civil action or proceeding, except
358 when the state is a party thereto, the sheriff is not bound to receive such person unless security
359 is given on the part of the party at whose instance the process is issued, by deposit of money, to
360 meet the expenses of necessary food, clothing and bedding for ~~[him]~~ the committed person, or
361 to detain such person any longer than the expenses are provided for. This section does not
362 apply to cases where a party is committed as a punishment for disobedience to the mandates,
363 process, writs or orders of court.

364 Section 26. Section **17-22-11** is amended to read:

365 **17-22-11. Return of process.**

366 When process or notice is returnable ~~[he]~~, the sheriff may enclose such process or
367 notice in an envelope addressed to the officer or person from whom the same emanated, and
368 deposit it in the post office, prepaying the postage.

369 Section 27. Section 17-22-13 is amended to read:

370 **17-22-13. Failure or delay in making return on process -- Penalty.**

371 If a sheriff does not return without delay a process or notice in [his] the sheriff's
372 possession with the necessary endorsement thereon, [he] the sheriff is liable to the party
373 aggrieved for all damages sustained by [him] the aggrieved party.

374 Section 28. Section 17-22-14 is amended to read:

375 **17-22-14. Failure to levy execution -- Penalty.**

376 If the sheriff to whom a writ of execution is delivered neglects or refuses, after being
377 required by the creditor or [his] the creditor's attorney, the fees having first been paid or
378 tendered, to levy upon or sell any property of the party charged in the writ which is liable to be
379 levied upon and sold, [he] the sheriff shall be liable to the creditor for the value of such
380 property.

381 Section 29. Section 17-22-15 is amended to read:

382 **17-22-15. Neglect or refusal to pay over money -- Penalty.**

383 If [he] the sheriff neglects or refuses to pay over on demand to the person entitled
384 thereto any money which may come into [his] the sheriff's hands by virtue of [his] the sheriff's
385 office, after deducting all legal fees, the amount thereof with 25% damages and interest at the
386 rate of 1% per month from the time of demand may be recovered by such person; provided,
387 that such sheriff may pay such money into the court or to the clerk thereof issuing the writ or
388 process upon which such money is collected or received and from the time of such payment the
389 sheriff shall be relieved of all liability therefor, unless the detention is shown to have been
390 wrongful.

391 Section 30. Section 17-22-16 is amended to read:

392 **17-22-16. Declaring office vacant.**

393 When the sheriff is committed for not paying over money received by [him] the sheriff
394 by virtue of [his] the sheriff's office and remains committed for 60 days [his] the sheriff's office
395 is vacant.

396 Section 31. Section 17-22-17 is amended to read:

397 **17-22-17. Escapes -- Sheriff's liability.**

398 A sheriff who suffers the escape of a person arrested in a civil action, without the
399 consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable

400 as follows:

401 (1) When the arrest is upon an order to hold to bail or upon a surrender in exoneration
402 of bail before judgment [~~he~~] the sheriff is liable to the plaintiff as bail.

403 (2) When the arrest is on an execution or commitment to enforce the payment of
404 money [~~he~~] the sheriff is liable for the amount expressed in the execution or commitment.

405 (3) When the arrest is on an execution or commitment other than to enforce the
406 payment of money [~~he~~] the sheriff is liable for the actual damages sustained.

407 (4) Upon being sued for damages for an escape or rescue [~~he~~] the sheriff may introduce
408 evidence in mitigation and exculpation.

409 Section 32. Section 17-22-18 is amended to read:

410 **17-22-18. Rescues -- Sheriff's liability.**

411 [~~He~~] The sheriff is liable for the rescue of a person arrested in a civil action equally as
412 for an escape.

413 Section 33. Section 17-22-19 is amended to read:

414 **17-22-19. Action for escape or rescue -- Defenses.**

415 An action cannot be maintained against the sheriff for a rescue or for an escape of a
416 person arrested upon an execution or commitment, if after [~~his~~] that person's rescue or escape
417 and before the commencement of the action the prisoner returns to the jail or is retaken by the
418 sheriff or by any other person.

419 Section 34. Section 17-22-20 is amended to read:

420 **17-22-20. Only written directions to sheriff binding.**

421 No direction or authority by a party or [~~his~~] the party's attorney to the sheriff in respect
422 to the execution of process or the return thereof or to any act or omission relating thereto is
423 available to discharge or excuse the sheriff from liability for neglect or misconduct, unless it is
424 contained in a writing, signed by the attorney of the party or by the party, if [~~he~~] the party has
425 no attorney.

426 Section 35. Section 17-22-24 is amended to read:

427 **17-22-24. Service of papers, other than process, on sheriff -- Powers of successor.**

428 Service upon the sheriff of a paper other than process may be made by delivering it or a
429 copy thereof to [~~him~~] the sheriff or to one of [~~his~~] the sheriff's deputies or to a person in charge
430 of [~~his~~] the sheriff's office during office hours, or, if no such person is there, by leaving it in a

431 conspicuous place in the office. When any process remains with the sheriff unexecuted, in
432 whole or in part, at the time of [~~his~~] the sheriff's death, resignation of office or at the expiration
433 of [~~his~~] the sheriff's office such process shall be executed by [~~his~~] the sheriff's successor in
434 office; and when the sheriff sells real estate under and by virtue of an execution or order of
435 court [~~he~~] the sheriff or [~~his~~] the sheriff's successor in office shall execute and deliver to the
436 purchaser all such deeds and conveyances as are required by law and necessary for that
437 purpose, and such deeds and conveyances shall be as valid in law as if they had been executed
438 by the sheriff who made the sale.

439 Section 36. Section **17-22-25** is amended to read:

440 **17-22-25. Service of process on sheriff -- When constable to act.**

441 In cases where it appears in any court of record that the sheriff is a party, or where an
442 affidavit is filed with the clerk of the court stating partiality, prejudice, consanguinity or
443 interest on the part of the sheriff, the clerk of the court shall direct process to any constable of
444 the county, whose duty it shall be to execute it in the same manner as if [~~he~~] the constable were
445 sheriff.

446 Section 37. Section **17-30-10** is amended to read:

447 **17-30-10. Appointments from eligible register -- Failure to accept appointment.**

448 (1) When a peace officer is to be appointed, the appointing authority shall request the
449 merit system commission to certify three eligible applicants for the position. The commission
450 shall thereupon certify to the appointing authority the names of the three applicants standing
451 highest on the eligible register. The appointing authority shall select and appoint one of the
452 persons so certified.

453 (2) In the event a certified person fails to accept a proffered appointment, [~~he~~] the
454 certified person may, at [~~his~~] the certified person's request, retain [~~his~~] the certified person's
455 place on the eligible register if [~~he~~] the certified person submits in writing reasons sufficient in
456 the judgment of the commission to justify such failure.

457 Section 38. Section **17-30-16** is amended to read:

458 **17-30-16. Temporary layoffs -- Re-employment register.**

459 When necessary because of lack of funds or work an officer may, with the approval of
460 the commission, be temporarily laid off. Such layoff shall be made according to the lowest
461 rating of the officers of the class of position affected, calculated upon seniority under a method

462 prescribed by the commission. A person serving under temporary or emergency appointment
463 shall be laid off before any merit system officer. A merit system officer who is laid off shall be
464 placed upon a re-employment register to be re-employed in the inverse order in which [~~he~~] the
465 merit system officer is laid off, which register shall take precedence over all eligible registers.

466 Section 39. Section **17-30-17** is amended to read:

467 **17-30-17. Leave of absence -- Sick leaves and vacations.**

468 (1) The appointing authority, with the approval of the commission, may grant an
469 officer a leave of absence without pay for a period not to exceed one year. In the event an
470 officer on leave takes a higher position in police work which does not come under the merit
471 system provisions of this act, the leave may, with the consent of the commission, be renewed.
472 In the event an officer is elected sheriff, or is appointed chief deputy, [~~he~~] the officer shall
473 automatically be placed on leave for the period of time [~~he~~] the officer remains sheriff or chief
474 deputy. Upon the termination of a leave of absence, the officer shall be returned to [~~his~~] the
475 officer's former position.

476 (2) Sick leaves and vacations with pay shall be as provided by law or ordinance.

477 Section 40. Section **17-30-20** is amended to read:

478 **17-30-20. Appeal to district court -- Scope of review.**

479 A person aggrieved by an act or failure to act of any merit system commission under
480 this act may appeal to the district court, if [~~he~~] the aggrieved person has exhausted [~~his~~] the
481 remedies of appeal to the commission. The courts may review questions of law and fact and
482 may affirm, set aside, or modify the ruling complained of.

483 Section 41. Section **22-1-4** is amended to read:

484 **22-1-4. Transfer of negotiable instruments by fiduciaries.**

485 If any negotiable instrument payable or indorsed to a fiduciary as such is endorsed by
486 the fiduciary, or if any negotiable instrument payable or endorsed to [~~his~~] the fiduciary's
487 principal is endorsed by a fiduciary empowered to endorse such instrument on behalf of [~~his~~]
488 the principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach
489 of [~~his~~] the fiduciary's obligation as fiduciary in endorsing or delivering the instrument, and is
490 not chargeable with notice that the fiduciary is committing a breach of [~~his~~] the fiduciary's
491 obligation as fiduciary, unless [~~he~~] the fiduciary takes the instrument with actual knowledge of
492 such breach or with knowledge of such facts that [~~his~~] the fiduciary's action in taking the

493 instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in
494 payment of, or as security for, a personal debt of the fiduciary to the actual knowledge of the
495 creditor, or is transferred in any transaction known by the transferee to be for the personal
496 benefit of the fiduciary, the creditor or other transferee is liable to the principal, if the fiduciary
497 in fact commits a breach of ~~[his]~~ the fiduciary's obligation as fiduciary in transferring the
498 instrument.

499 Section 42. Section **22-1-5** is amended to read:

500 **22-1-5. Checks -- Drawn by fiduciaries, payable to third persons.**

501 If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of
502 ~~[his]~~ the fiduciary's principal by a fiduciary empowered to draw such instrument in the name of
503 ~~[his]~~ the fiduciary's principal, the payee is not bound to inquire whether the fiduciary is
504 committing a breach of ~~[his]~~ the fiduciary's obligation as fiduciary in drawing or delivering the
505 instrument, and is not chargeable with notice that the fiduciary is committing a breach of ~~[his]~~
506 the fiduciary's obligation as fiduciary, unless ~~[he]~~ the fiduciary takes the instrument with actual
507 knowledge of such breach or with knowledge of such facts that ~~[his]~~ the fiduciary's action in
508 taking the instrument amounts to bad faith. If, however, such instrument is payable to a
509 personal creditor of the fiduciary and delivered to the creditor in payment of, or as security for,
510 a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and
511 delivered in any transaction known by the payee to be for the personal benefit of the fiduciary,
512 the creditor or other payee is liable to the principal, if the fiduciary in fact commits a breach of
513 ~~[his]~~ the fiduciary's obligation as fiduciary in drawing or delivering the instrument.

514 Section 43. Section **22-1-6** is amended to read:

515 **22-1-6. Checks drawn by or payable to fiduciary.**

516 If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of
517 ~~[his]~~ the fiduciary's principal by a fiduciary empowered to draw such instrument in the name of
518 ~~[his]~~ the principal, payable to the fiduciary personally, or payable to a third person and ~~[by him~~
519 ~~transferred]~~ transferred by the third person to the fiduciary, and is thereafter transferred by the
520 fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is
521 not bound to inquire whether the fiduciary is committing a breach of ~~[his]~~ the fiduciary's
522 obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the
523 fiduciary is committing a breach of ~~[his]~~ the fiduciary's obligation as fiduciary, unless ~~[he]~~ the

524 transferee takes the instrument with actual knowledge of such breach or with knowledge of
525 such facts that [~~his~~] the transferee action in taking the instrument amounts to bad faith.

526 Section 44. Section **22-1-7** is amended to read:

527 **22-1-7. Bank deposits in name of fiduciary.**

528 If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized
529 to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed
530 with the name in which such deposit is entered, without being liable to the principal, unless the
531 bank pays the check with actual knowledge that the fiduciary is committing a breach of [~~his~~]
532 the fiduciary's obligation as fiduciary in drawing the check, or with knowledge of such facts
533 that its action in paying the check amounts to bad faith. If, however, such a check is payable to
534 the drawee bank and is delivered to it in payment of, or as security for, a personal debt of the
535 fiduciary to it, the bank is liable to the principal, if the fiduciary in fact commits a breach of
536 [~~his~~] the fiduciary's obligation as fiduciary in drawing or delivering the check.

537 Section 45. Section **22-1-8** is amended to read:

538 **22-1-8. Checks drawn in name of principal.**

539 If a check is drawn upon the account of [~~his~~] a fiduciary's principal in a bank by a
540 fiduciary who is empowered to draw checks upon [~~his~~] the fiduciary's principal's account, the
541 bank is authorized to pay such check without being liable to the principal, unless the bank pays
542 the check with actual knowledge that the fiduciary is committing a breach of [~~his~~] the
543 fiduciary's obligation as fiduciary in drawing such check, or with knowledge of such facts that
544 its action in paying the check amounts to bad faith. If, however, such a check is payable to the
545 drawee bank and is delivered to it in payment of, or as security for, a personal debt of the
546 fiduciary to it, the bank is liable to the principal, if the fiduciary in fact commits a breach of
547 [~~his~~] the fiduciary's obligation as fiduciary in drawing or delivering the check.

548 Section 46. Section **22-1-9** is amended to read:

549 **22-1-9. Deposits in fiduciary's personal account.**

550 If a fiduciary makes a deposit in a bank to [~~his~~] the fiduciary's personal credit of checks
551 drawn by [~~him~~] the fiduciary upon an account in [~~his~~] the fiduciary's own name as fiduciary, or
552 of checks payable to [~~him~~] the fiduciary as fiduciary, or of checks drawn by [~~him~~] the fiduciary
553 upon an account in the name of [~~his~~] the fiduciary's principal, if [~~he~~] the fiduciary is
554 empowered to draw checks thereon, or of checks payable to [~~his~~] the fiduciary's principal and

555 indorsed by [~~him~~] the fiduciary, if [~~he~~] the fiduciary is empowered to indorse such checks, or if
556 [~~he~~] the fiduciary otherwise makes a deposit of funds held by [~~him~~] the fiduciary as fiduciary,
557 the bank receiving such deposit is not bound to inquire whether the fiduciary is committing
558 thereby a breach of [~~his~~] the fiduciary's obligation as fiduciary; and the bank is authorized to
559 pay the amount of the deposit or any part thereof upon the personal check of the fiduciary
560 without being liable to the principal, unless the bank receives the deposit or pays the check
561 with actual knowledge that the fiduciary is committing a breach of [~~his~~] the fiduciary's
562 obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of
563 such facts that its action in receiving the deposit or paying the check amounts to bad faith.

564 Section 47. Section **22-2-1** is amended to read:

565 **22-2-1. Death of trustee -- Trust estate vests in successor.**

566 Upon the death of a sole or surviving trustee of an express trust the trust estate does not
567 descend to [~~his~~] the trustee's heirs or pass to [~~his~~] the trustee's personal representatives, but
568 shall by virtue hereof, upon the appointment and qualification of a successor to such trustee,
569 become immediately vested in such successor in trust.

570 Section 48. Section **25-5-1** is amended to read:

571 **25-5-1. Estate or interest in real property.**

572 No estate or interest in real property, other than leases for a term not exceeding one
573 year, nor any trust or power over or concerning real property or in any manner relating thereto,
574 shall be created, granted, assigned, surrendered or declared otherwise than by act or operation
575 of law, or by deed or conveyance in writing subscribed by the party creating, granting,
576 assigning, surrendering or declaring the same, or by [~~his~~] that party's lawful agent thereunto
577 authorized by writing.

578 Section 49. Section **25-5-3** is amended to read:

579 **25-5-3. Leases and contracts for interest in lands.**

580 Every contract for the leasing for a longer period than one year, or for the sale, of any
581 lands, or any interest in lands, shall be void unless the contract, or some note or memorandum
582 thereof, is in writing subscribed by the party by whom the lease or sale is to be made, or by
583 [~~his~~] that party's lawful agent thereunto authorized in writing.

584 Section 50. Section **25-5-6** is amended to read:

585 **25-5-6. Promise to answer for obligation of another -- When not required to be in**

586 **writing.**

587 A promise to answer for the obligation of another in any of the following cases is
588 deemed an original obligation of the promisor and need not be in writing:

589 (1) Where the promise is made by one who has received property of another upon an
590 undertaking to apply it pursuant to such promise, or by one who has received a discharge from
591 an obligation in whole or in part in consideration of such promise.

592 (2) Where the creditor parts with value or enters into an obligation in consideration of
593 the obligation in respect to which the promise is made in terms or under circumstances such as
594 to render the party making the promise the principal debtor and the person in whose behalf it is
595 made [~~his~~] the principal debtor's surety.

596 (3) Where the promise, being for an antecedent obligation of another, is made upon the
597 consideration that the party receiving it cancel the antecedent obligation, accepting the new
598 promise as a substitute therefor; or upon the consideration that the party receiving it releases
599 the property of another from a levy or [~~his~~] the other's person from imprisonment under an
600 execution on a judgment obtained upon the antecedent obligation; or upon a consideration
601 beneficial to the promisor, whether moving from either party to the antecedent obligation or
602 from another person.

603 (4) Where a factor undertakes for a commission to sell merchandise and to guarantee
604 the sale.

605 (5) When the holder of an instrument for the payment of money upon which a third
606 person is or may become liable to [~~him~~] the holder transfers it in payment of a precedent debt
607 of [~~his~~] the holder's own, or for a new consideration, and in connection with such transfer
608 enters into a promise respecting such instrument.

609 Section 51. Section **25-5-7** is amended to read:

610 **25-5-7. Contracts by telegraph deemed written.**

611 Contracts made by telegraph shall be deemed to be contracts in writing, and all
612 communications sent by telegraph and signed by the person sending the same, or by [~~his~~] that
613 person's authority, shall be deemed to be communications in writing.

614 Section 52. Section **29-1-1** is amended to read:

615 **29-1-1. Fireproof safe for use of guests -- Limitation of liability.**

616 If an innkeeper, hotel keeper, boarding house keeper, or lodging house keeper keeps on

617 [his] the premises a fireproof safe or vault, and gives notice to [his] guests, boarders or lodgers,
 618 by posting a copy of this section in a prominent or conspicuous place in the office of the inn,
 619 hotel, boarding house or lodging house and in the rooms occupied by the guests, boarders or
 620 lodgers, that [~~he~~] the keeper keeps for their use a fireproof safe or vault and will not be liable
 621 for money, jewelry, documents or other articles of unusual value and small compass, unless
 622 placed therein, [~~he~~] the keeper is not liable, except so far as [his] the keeper's acts or the acts of
 623 [his] the keeper's employees shall contribute thereto, for any loss of or injury to such articles, if
 624 not deposited with [~~him~~] the keeper to be placed in such safe or vault, or in any case for more
 625 than the sum of \$250 for any such property, unless [~~he~~] the keeper shall have given a receipt in
 626 writing therefor to the guest, boarder or lodger, and the value of the article so placed with [~~him~~]
 627 the keeper for safekeeping shall have been declared by such guest, boarder or lodger.

628 Section 53. Section 34-19-8 is amended to read:

629 **34-19-8. Injunctive relief -- Appeals.**

630 Whenever any court, or judge or judges of it, shall issue or deny any temporary
 631 injunction in a case involving or growing out of a labor dispute, the court shall, upon the
 632 request of any party to the proceedings, and on [his] the party's filing the usual bond for costs,
 633 forthwith certify the entire record of the case, including a transcript of the evidence taken, to
 634 the appropriate appellate court for its review. Upon the filing of such record in the appropriate
 635 appellate court the appeal shall be heard with the greatest possible expedition, giving the
 636 proceeding precedence over all other matters except older matters of the same character.

637 Section 54. Section 34-19-11 is amended to read:

638 **34-19-11. "Labor dispute" defined.**

639 (1) The words "labor dispute" as used in this chapter include any controversy
 640 concerning terms or conditions of employment, or concerning the association or representation
 641 of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or
 642 conditions of employment, or concerning employment relations, or any other controversy
 643 arising out of the respective interests of employer and employee, regardless of whether or not
 644 the disputants stand in the proximate relation of employer and employee.

645 (2) A person or association shall be held to be a person participating or interested in a
 646 labor dispute if relief is sought against [~~him or it~~] the person or association and if [~~he or it~~] the
 647 person or association is engaged in the industry, trade, craft, or occupation in which such

648 dispute occurs, or is a member, officer, or agent of any association of employers or employees
649 engaged in such industry, trade, craft, or occupation.

650 (3) A case shall be held to involve or grow out of a labor dispute when the case
651 involves persons who are engaged in a single industry, trade, craft, or occupation; or who are
652 employees of one employer; or who are members of the same or an affiliated organization of
653 employers or employees whether such dispute is:

654 (a) between one or more employers or associations of employers and one or more
655 employees or associations of employees;

656 (b) between one or more employers or associations of employers and one or more
657 employers or associations of employers; or

658 (c) between one or more employees or associations of employees and one or more
659 employees or associations of employees; or when the case involves any conflicting or
660 competing interests in a labor dispute of persons participating or interested in it.

661 Section 55. Section **34-20-1** is amended to read:

662 **34-20-1. Declaration of policy.**

663 The public policy of the state as to employment relations and collective bargaining in
664 the furtherance of which this chapter is enacted, is declared to be as follows:

665 (1) It recognizes that there are three major interests involved, namely: that of the
666 public, the employee, and the employer. These three interests are to a considerable extent
667 interrelated. It is the policy of the state to protect and promote each of these interests with due
668 regard to the situation and to the rights of the others.

669 (2) Industrial peace, regular and adequate income for the employee, and uninterrupted
670 production of goods and services are promotive of all of these interests. They are largely
671 dependent upon the maintenance of fair, friendly, and mutually satisfactory employment
672 relations and the availability of suitable machinery for the peaceful adjustment of whatever
673 controversies may arise. It is recognized that certain employers, including farmers and farmer
674 cooperatives, in addition to their general employer problems, face special problems arising
675 from perishable commodities and seasonal production which require adequate consideration. It
676 is also recognized that whatever may be the rights of disputants with respect to each other in
677 any controversy regarding employment relations, they should not be permitted in the conduct of
678 their controversy to intrude directly into the primary rights of third parties to earn a livelihood,

679 transact business, and engage in the ordinary affairs of life by any lawful means and free from
680 molestation, interference, restraint, or coercion.

681 (3) Negotiation of terms and conditions of work should result from voluntary
682 agreement between employer and employee. For the purpose of such negotiation an employee
683 has the right, if [~~he~~] the employee desires, to associate with others in organizing and bargaining
684 collectively through representatives of [~~his~~] the employee's own choosing, without intimidation
685 or coercion from any source.

686 (4) It is the policy of the state, in order to preserve and promote the interests of the
687 public, the employee, and the employer alike, to establish standards of fair conduct in
688 employment relations and to provide a convenient, expeditious and impartial tribunal by which
689 these interests may have their respective rights and obligations adjudicated.

690 Section 56. Section **34-26-2** is amended to read:

691 **34-26-2. Claim -- Notice.**

692 Any such employee, laborer or servant desiring to enforce [~~his~~] a claim for wages under
693 this chapter shall present a statement under oath to the officer, person or court charged with
694 such property within 10 days after the seizure of it on any process, or within 30 days after the
695 same may have been placed in the hands of any receiver, assignee or trustee, showing the
696 amount due after allowing all just credits and setoffs, the kind of work for which such wages
697 are due and when performed. Any person with whom any such claim shall have been filed shall
698 give immediate notice thereof by mail to all persons interested, and, if the claim is not
699 contested as provided in Section **34-26-3**, it shall be the duty of the person or the court
700 receiving such statement to pay the amount of such claim or claims to the person or persons
701 entitled thereto, after first paying all costs occasioned by the seizure of such property, out of the
702 proceeds of the sale of the property seized.

703 Section 57. Section **34-26-3** is amended to read:

704 **34-26-3. Claim -- Exceptions -- Contest.**

705 Any person interested may within 10 days after the notice of presentment of said
706 statement contest such claims, or any part of them, by filing exceptions to them supported by
707 affidavit with the officer or court having the custody of such property, and thereupon the
708 claimant shall be required to reduce [~~his~~] the claimant's claim to judgment in some court
709 having jurisdiction before any part thereof shall be paid. The person contesting shall be made a

710 party defendant in any such action and shall have the right to contest such claim, and the
711 prevailing party shall recover proper costs.

712 Section 58. Section 34-27-1 is amended to read:

713 **34-27-1. Reasonable amount -- Taxed as costs.**

714 Whenever a mechanic, artisan, miner, laborer, servant, or other employee shall have
715 cause to bring suit for wages earned and due according to the terms of ~~[his]~~ that individual's
716 employment and shall establish by the decision of the court that the amount for which ~~[he]~~ the
717 plaintiff has brought suit is justly due, and that a demand has been made in writing at least 15
718 days before suit was brought for a sum not to exceed the amount so found due, then it shall be
719 the duty of the court before which the case shall be tried to allow to the plaintiff a reasonable
720 attorneys' fee in addition to the amount found due for wages, to be taxed as costs of suit.

721 Section 59. Section 34-29-9 is amended to read:

722 **34-29-9. Commission to be returned if employment not secured.**

723 It shall be unlawful for an employment agent to retain, directly or indirectly, any money
724 or other valuable consideration received for any information or assistance described in Section
725 **34-29-1**, if the person for whom such information or assistance is furnished fails through no
726 neglect or fault of ~~[his]~~ the person's own to secure the employment regarding which such
727 information or assistance is furnished; and the money or consideration shall be by the agent
728 forthwith returned to the payer of the same upon demand.

729 Section 60. Section 34-29-19 is amended to read:

730 **34-29-19. Deceptive or duplicate orders for employees -- Liability to applicants.**

731 Any person who places with an employment agent an order for more employees than
732 ~~[he]~~ the person placing the order actually desires, or who places with employment agents
733 duplicate orders for employees, or who permits a standing order for employees to remain
734 uncanceled at a time when ~~[he]~~ the person placing the order does not need such employees,
735 shall be liable to persons who, in good faith, accept and act upon information furnished in good
736 faith by employment agents under such excess, duplicate or standing order for the amount
737 actually expended in traveling from the location of such employment agency to the place of
738 such proposed employment and return.

739 Section 61. Section 34-30-8 is amended to read:

740 **34-30-8. Forty-hour work week -- Overtime at one and one-half regular rate.**

741 Forty hours shall constitute a working week on all works and undertakings carried on
742 by the state, county, or municipal governments, or by any officer of the state or of any county
743 or municipal government. Any persons, corporation, firm, contractor, agent, manager, or
744 foreman, who shall require or contract with any person to work upon such works or
745 undertakings longer than 40 hours in one week shall pay such employees at a rate not less than
746 one and one-half times the regular rate at which ~~he~~ the employee is employed.

747 Section 62. Section **34-33-1** is amended to read:

748 **34-33-1. Unlawful for employer to charge employee medical examination fee.**

749 It shall be unlawful for any person, firm, corporation or partnership to charge any
750 person a medical fee for the physical examination of any applicant for employment with such
751 person, firm, corporation or partnership, or to deduct the cost of such physical examination
752 from the money earned by such employee or to make any charge for or to deduct from the
753 earnings of such employee any medical fee for any physical examination upon the
754 re-employment of any employee who may have discontinued such employment, or who may
755 have been discharged or ~~his~~ whose employment has otherwise been terminated; nor shall any
756 employer, as a condition of pre-employment, employment, or continued employment, require
757 any employee or person applying for employment to submit to or obtain a physical
758 examination, unless such employer shall pay all costs of such physical examination.

759 Section 63. Section **34-34-13** is amended to read:

760 **34-34-13. Damages for denial or deprivation of continuation of employment.**

761 Any person who may be denied employment or be deprived of continuation of ~~his~~
762 employment in violation of this chapter shall be entitled to recover from such employer and
763 from any other person, firm, corporation or association acting in concert with ~~him~~ the
764 employer by appropriate action in the courts of this state such damages as ~~he~~ the person may
765 have sustained by reason of such denial or deprivation of employment.

766 Section 64. Section **38-2-1** is amended to read:

767 **38-2-1. Lien on livestock -- For feed and care.**

768 Every ~~ranchman~~ rancher, farmer, agistor, herder of cattle, tavern keeper or livery
769 stable keeper to whom any domestic animals shall be entrusted for the purpose of feeding,
770 herding or pasturing shall have a lien upon such animals for the amount that may be due ~~him~~
771 for such feeding, herding or pasturing, and is authorized to retain possession of such animals

772 until such amount is paid.

773 Section 65. Section **38-2-2** is amended to read:

774 **38-2-2. Liens of hotels and boardinghouse keepers.**

775 Every innkeeper, hotel keeper, boardinghouse keeper, or lodginghouse keeper shall
776 have a lien on the baggage and other property in and about such inn belonging to or under
777 control of [~~his~~] guests or boarders for the proper charges due [~~him~~] for their accommodation,
778 board and lodging, for money paid for or advanced to them, and for such other extras as are
779 furnished at their request. The innkeeper, hotel keeper, boardinghouse keeper, or lodginghouse
780 keeper may detain such baggage and other property until the amount of such charge is paid, and
781 the baggage and other property shall not be exempt from attachment or execution until the
782 hotel or boardinghouse keeper's lien and the costs of enforcing it are satisfied.

783 Section 66. Section **38-2-3.1** is amended to read:

784 **38-2-3.1. Special lien on personal property for services rendered -- General lien**
785 **of dry cleaning establishments, laundries, and shoe repair shops.**

786 Every person who, while lawfully in possession of an article of personal property,
787 renders any service to the owner or owners thereof, by labor or skill performed upon said
788 personal property at the request or order of said owner, has a special lien thereon, dependent on
789 possession, for the compensation, if any, which is due to [~~him~~] the person from the owner or
790 owners for such service; and every laundry proprietor, person conducting a laundry business,
791 dry cleaning establishment, proprietor and person conducting a dry cleaning establishment,
792 shoe repair establishment proprietor and person conducting a shoe repair establishment has a
793 general lien, dependent on possession, upon all personal property in [~~his~~] their hands belonging
794 to a customer, for the balance due [~~him~~] from such customer for laundry work, and for the
795 balance due [~~him~~] for dry cleaning work, and for the balance due [~~him~~] for shoe repair work;
796 but nothing in this section shall be construed to confer a lien in favor of a wholesale dry cleaner
797 on materials received from a dry cleaning establishment proprietor or a person conducting a dry
798 cleaning establishment. The terms "person" and "proprietor" as used in this section shall
799 include an individual, firm, partnership, association, corporation and company.

800 Section 67. Section **38-2-5** is amended to read:

801 **38-2-5. Action for deficiency.**

802 Nothing in this chapter shall take away the right of action of the party to whom such

803 lien is given for [his] that party's charges, or for any residue thereof, after such sale of the
804 property.

805 Section 68. Section **38-3-3** is amended to read:

806 **38-3-3. Attachment in aid of lien.**

807 Whenever any rent shall be due and unpaid under a lease, or the lessee shall be about to
808 remove [his] the lessee's property from the leased premises, the lessor may have the personal
809 property of the lessee which is upon the leased premises and subject to such lien attached
810 without other ground for such attachment.

811 Section 69. Section **38-7-3** is amended to read:

812 **38-7-3. Parties or insurance carrier making payment liable for satisfaction of lien**
813 **-- Enforcement of lien.**

814 (1) Any person, firm or corporation, including an insurance carrier, making any
815 payment to a patient or to [his] the patient's attorney, heirs or legal representative as
816 compensation for the injuries and/or damages sustained, after the filing and, if applicable,
817 receipt of written notice of the lien, as aforesaid, and without paying the hospital asserting the
818 lien the amount of its lien or that portion of the lien which can be satisfied out of the money
819 due under any final judgment or contract of compromise or settlement, less payment of the
820 amount of any prior liens, shall be liable to the hospital for the amount that the hospital was
821 entitled to receive.

822 (2) Liability of the person, firm or corporation for the satisfaction of the hospital lien
823 shall continue for a period of one year from and after the date of any payment of any money to
824 the patient, [his] the patient's heirs or legal representatives as damages or under a contract of
825 compromise or settlement. Any hospital may enforce its lien by a suit at law against the person,
826 firm or corporation making the payment. In the event of a suit to enforce a lien the hospital may
827 recover a reasonable attorney's fee and the costs of filing and recording the lien.

828 Section 70. Section **40-1-2** is amended to read:

829 **40-1-2. Discovery monument -- Notice of location -- Contents.**

830 The locator at the time of making the discovery of such vein or lode must erect a
831 monument at the place of discovery, and post thereon [his] the locator's notice of location
832 which shall contain:

833 (1) The name of the claim.

834 (2) The name of the locator or locators.

835 (3) The date of the location.

836 (4) If a lode claim, the number of linear feet claimed in length along the course of the
837 vein each way from the point of discovery, with the width claimed on each side of the center of
838 the vein, and the general course of the vein or lode as near as may be, and such a description of
839 the claim, located by reference to some natural object or permanent monument, as will identify
840 the claim.

841 (5) If a placer or mill site claim, the number of acres or superficial feet claimed, and
842 such a description of the claim or mill site, located by reference to some natural object or
843 permanent monument, as will identify the claim or mill site.

844 Section 71. Section **40-1-12** is amended to read:

845 **40-1-12. Damages for wrongful removal of ores.**

846 When damages are claimed for the extraction or selling of ore from any mine or mining
847 claim and the defendant, or those under whom ~~[he]~~ the defendant claims, holds, under color of
848 title adverse to the claims of the plaintiff, in good faith, then the reasonable value of all labor
849 bestowed or expenses incurred in necessary developing, mining, transporting, concentrating,
850 selling or preparing said ore, or its mineral content, for market, must be allowed as an offset
851 against such damages; provided, however, that any person who, wrongfully entering upon any
852 mine or mining claim and carrying away ores therefrom, or wrongfully extracting and selling
853 ores from any mine, having knowledge of the existence of adverse claimants in any mine or
854 mining claim, and without notice to them, knowingly and willfully trespasses in or upon such
855 mine or mining claim and extracts or sells ore therefrom shall be liable to the owners of such
856 ore for three times the value thereof without any deductions either for labor bestowed or
857 expenses incurred in removing, transporting, selling or preparing said ore, or its mineral
858 content for market.

859 Section 72. Section **41-4-2** is amended to read:

860 **41-4-2. Threat to discontinue sales to retail seller prima facie evidence of**
861 **violation.**

862 Any threat, expressed or implied, made directly or indirectly to any person engaged in
863 the business of selling motor vehicles at retail in this state by any person engaged, either
864 directly or indirectly, in the manufacture or distribution of motor vehicles, that such person will

865 discontinue or cease to sell, or refuse to enter into a contract to sell, or will terminate a contract
866 to sell motor vehicles, whether patented or unpatented, to such person who is so engaged in the
867 business of selling motor vehicles at retail, unless such person finances the purchase or sale of
868 any one or number of motor vehicles only with or through a designated person or class of
869 persons or sells and assigns the conditional sales contracts, chattel mortgages or leases arising
870 from [his] the retail sales of motor vehicles or any one or number thereof only to a designated
871 person or class of persons shall be prima facie evidence of the fact that such person so engaged
872 in the manufacture or distribution of motor vehicles has sold or intends to sell the same on the
873 condition or with the agreement or understanding prohibited in Section 41-4-1.

874 Section 73. Section 41-4-3 is amended to read:

875 **41-4-3. Threat to discontinue sales to person engaged in business of financing**
876 **who is affiliated with manufacturer or distributor.**

877 Any threat, expressed or implied, made directly or indirectly, to any person engaged in
878 the business of selling motor vehicles at retail in this state by any person, or any agent of any
879 such person, who is engaged in the business of financing the purchase or sale of motor vehicles
880 or of buying conditional sales contracts, chattel mortgages or leases on motor vehicles in this
881 state and is affiliated with or controlled by any person engaged, directly or indirectly, in the
882 manufacture or distribution of motor vehicles, that such person so engaged in such manufacture
883 or distribution shall terminate [his] a contract with or cease to sell motor vehicles to such
884 person engaged in the sale of motor vehicles at retail in this state unless such person finances
885 the purchase or sale of any one or number of motor vehicles only or through a designated
886 person or class of persons or sells and assigns the conditional sales contracts, chattel
887 mortgages, or leases arising from [his] the retail sale of motor vehicles or any one or any
888 number thereof only to such person so engaged in financing the purchase or sale of motor
889 vehicles or in buying conditional sales contracts, chattel mortgages or leases on motor vehicles,
890 shall be presumed to be made at the direction of and with the authority of such person so
891 engaged in such manufacture or distribution of motor vehicles, and shall be prima facie
892 evidence of the fact that such person so engaged in the manufacture or distribution of motor
893 vehicles has sold or intends to sell the same on the condition or with the agreement or
894 understanding prohibited in Section 41-4-1.

895 Section 74. Section 41-4-12 is amended to read:

896 **41-4-12. Actions for damages.**

897 In addition to the criminal and civil penalties herein provided, any person who is
898 injured in [~~his~~] the person's business or property by any other person or corporation or
899 association or partnership, by reason of anything forbidden or declared to be unlawful by this
900 act, may sue therefor in any court having jurisdiction thereof in the county where the defendant
901 resides or is found, or any agent resides or is found, or where service may be obtained, without
902 respect to the amount in controversy, and to recover twofold the damages [~~by him~~] sustained,
903 and the costs of suit. Whenever it shall appear to the court before which any proceeding under
904 this act is pending, that the ends of justice require that other parties shall be brought before the
905 court, the court may cause them to be made parties defendant and summoned, whether they
906 reside in the county where such action is pending, or not.

907 Section 75. Section **41-19-1** is amended to read:

908 **41-19-1. Powers and duties of governor.**

909 The governor, in addition to other duties and responsibilities conferred upon [~~him~~] the
910 governor by the Constitution and laws of the state of Utah is hereby empowered to contract and
911 to do all other things necessary in behalf of the state to secure the full benefits available to this
912 state under the federal Highway Safety Act of 1966, and any amendments thereto, and in so
913 doing, to cooperate with the federal and state agencies, agencies private and public, interested
914 organizations, and with individuals, to effectuate the purposes of that enactment, and any and
915 all subsequent amendments thereto. The governor shall be the official having the ultimate
916 responsibility for dealing with the United States Government with respect to programs and
917 activities pursuant to the federal Highway Safety Act of 1966, and any amendments thereto. To
918 that end [~~he~~] the governor shall be responsible for activities of any and all departments and
919 agencies of this state and its subdivisions, relating thereto. [~~He~~] The governor may designate an
920 appropriate person, commission or board to assist [~~him~~] the governor in coordinating the
921 activities and programs contemplated under this section.

922 Section 76. Section **42-1-1** is amended to read:

923 **42-1-1. By petition to district court -- Contents.**

924 Any natural person, desiring to change [~~his~~] the natural person's name, may file a
925 petition therefor in the district court of the county where [~~he~~] the natural person resides, setting
926 forth:

- 927 (1) The cause for which the change of name is sought.
- 928 (2) The name proposed.
- 929 (3) That [~~he~~] the natural person has been a bona fide resident of the county for the year
- 930 immediately prior to the filing of the petition.

931 Section 77. Section 43-1-2 is amended to read:

932 **43-1-2. Transfer -- By delivery -- By endorsement -- Rights of transferee.**

933 Title to any security receipt, or equipment trust certificate, which by its terms entitles
934 the bearer to the benefits thereof, may be transferred by delivery by any person in possession of
935 the same, howsoever such possession may have been acquired.

936 Title to any security receipt, or equipment trust certificate, which by its terms entitles
937 the person named therein to the benefits thereof, and which provides in substance that title
938 thereto is transferable with the same effect as in the case of a negotiable instrument, may be
939 transferred by delivery by any person in possession of the same, howsoever such possession
940 may have been acquired, if endorsed in blank or, if it is endorsed to a specified person, by
941 delivery by such other person.

942 A person to whom title is so transferred, who takes any such instrument for present or
943 antecedent value, without notice of prior defenses, equities or claims of ownership enforceable
944 against the transferor, shall have absolute title thereto free of any defenses enforceable against,
945 or claims of ownership of, the signer or any prior holder. The holder of any such security
946 receipt, or equipment trust certificate, unless the same has been endorsed in blank by such
947 specified person, shall be deemed prima facie to have title thereto as aforesaid; but when it is
948 shown that the title of any person who has negotiated such instrument is defective, the burden
949 is on the holder to prove that [~~he~~] the holder, or some person under whom [~~he~~] the holder
950 claims, acquired title as a holder for value and without notice as aforesaid.

951 The provisions of this section shall not be applicable to the transfer of any security
952 receipt, or equipment trust certificate, when it is shown that such transfer was made after the
953 date fixed therein for performance by the signer of [~~his~~] the signer's obligations thereunder, or,
954 if no date is so fixed, after the expiration of a reasonable time after the happening of the
955 contingency upon which the signer became obligated to perform.

956 Section 78. Section 47-1-2 is amended to read:

957 **47-1-2. Injunction -- Notice to owner of premises.**

958 Whenever a nuisance as defined in this chapter is kept or maintained, or exists, the
959 county attorney or any citizen of the county may maintain an action in equity in the name of the
960 state of Utah, upon the relation of such county attorney or citizen, to perpetually enjoin such
961 nuisance, the person or persons conducting or maintaining the same and the owner or agent of
962 the building or ground upon which it exists; provided, that when the owner or agent is not in
963 the actual possession of the premises [~~he~~] the owner or agent shall have, before an action is
964 brought under this chapter against [~~him~~] the owner or agent or affecting [~~his~~] the owner's or
965 agent's real estate, notice in writing of the existence and nature of the nuisance, and [~~he~~] the
966 owner or agent shall have a reasonable time after service of such notice in which to abate the
967 nuisance. In such action the court, or a judge thereof, shall upon the presentation of a complaint
968 therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction
969 without bond, if it shall be made to appear to the satisfaction of the court or judge that such
970 nuisance exists, by evidence in the form of affidavits, depositions, oral testimony or otherwise,
971 as the complainant may elect, unless the court or judge, by previous order, shall have directed
972 the form and manner in which it shall be presented. Three days' notice in writing shall be given
973 the defendant of the hearing of the application, and if then continued at [~~his~~] the defendant's
974 instance, the writ as prayed for shall be granted as a matter of course. When an injunction has
975 been granted it shall be binding on the defendant throughout the judicial district in which it was
976 issued, and any violation of the provisions of the injunction herein provided for shall be a
977 contempt as hereinafter provided.

978 Section 79. Section **47-1-3** is amended to read:

979 **47-1-3. Evidence -- Dismissal of action -- Costs.**

980 In such action evidence of the general reputation of the place shall be admissible for the
981 purpose of proving the existence of the nuisance. If the complaint is filed by a citizen, it shall
982 not be dismissed except upon a sworn statement made by the relator and [~~his~~] the relator's
983 attorney setting forth the reasons why the action should be dismissed, and the dismissal
984 approved by the county attorney in writing or in open court. If the court is of the opinion that
985 the action ought not to be dismissed, it may direct the county attorney to prosecute the action to
986 judgment, and, if the action is continued for more than one term of court, any citizen of the
987 county or the county attorney may be substituted for the relator and prosecute the action to
988 judgment. If the action is brought by a citizen and the court finds there was no reasonable

989 ground or cause therefor, the costs may be taxed to such citizen.

990 Section 80. Section **47-1-7** is amended to read:

991 **47-1-7. Bond to secure abatement -- Procedure.**

992 If the owner appears and pays all costs of the proceeding and files a bond, with sureties
993 to be approved by the clerk, in the full value of the property, to be ascertained by the court, or
994 in vacation by the clerk, auditor and treasurer of the county, conditioned that [~~he~~] the owner
995 will immediately abate the nuisance and prevent the same from being established or kept
996 therein within a period of one year thereafter, the court or the judge may, if satisfied of [~~his~~] the
997 owner's good faith, order the premises that have been closed under the order of abatement to be
998 delivered to the owner, and the order of abatement may be canceled so far as the same may
999 relate to said property; and, if the proceeding is an action in equity and such bond is given and
1000 costs therein paid before judgment and order of abatement, the action shall be thereby abated as
1001 to the building only. The release of the property under the provisions of this section shall not
1002 release it from any judgment, lien, penalty or liability to which it may be subject by law.

1003 Section 81. Section **52-1-8** is amended to read:

1004 **52-1-8. Official bonds -- Actions on -- Parties.**

1005 When a public officer by official misconduct or neglect of duty shall forfeit [~~his~~] the
1006 officer's official bond or render [~~his~~] the officer's sureties liable thereon, any person injured by
1007 such misconduct or neglect, or who is by law entitled to the benefit of the security, may
1008 maintain an action thereon in [~~his~~] the injured party's own name against the officer and [~~his~~] the
1009 officer's sureties to recover the amount to which [~~he~~] the injured party may by reason thereof be
1010 entitled.

1011 Section 82. Section **52-1-11** is amended to read:

1012 **52-1-11. Bonds to cover special penalties and liabilities.**

1013 Whenever, except in criminal prosecutions, any special penalty, forfeiture or liability is
1014 imposed upon any officer for nonperformance or malperformance of [~~his~~] the officer's official
1015 duties, the liability therefor attaches to the official bond of such officer.

1016 Section 83. Section **54-4-20** is amended to read:

1017 **54-4-20. Consumer may have meter tested upon paying fee.**

1018 Any consumer or user of any product, commodity or service of a public utility may
1019 have any appliance used in the measurement thereof tested, upon paying the fees fixed by the

1020 commission. The commission shall establish and fix reasonable fees to be paid for testing such
1021 appliances on the request of the consumer or user; the fee to be paid by the consumer or user at
1022 the time of ~~his~~ the consumer's or user's request, but to be paid by the public utility and repaid
1023 to the consumer or user under such rules and regulations as may be prescribed by the
1024 commission, if the appliance is found defective or incorrect to the disadvantage of the
1025 consumer or user.

1026 Section 84. Section **54-7-7** is amended to read:

1027 **54-7-7. Books and records of utilities subject to inspection.**

1028 The commission, each commissioner and each officer and person employed by the
1029 commission shall have the right at any and all times to inspect the accounts, books, papers and
1030 documents of any public utility, and the commission, each commissioner and any officer of the
1031 commission or any employee authorized to administer oaths shall have power to examine under
1032 oath any officer, agent or employee of any public utility in relation to the business and affairs
1033 of said public utility; provided, that any person other than a commissioner or an officer of the
1034 commission demanding such inspection shall produce under the hand and seal of the
1035 commission ~~his~~ that person's authority to make such inspection; and provided further, that
1036 written record of the testimony or statement so given under oath shall be made and filed with
1037 the commission.

1038 Section 85. Section **54-8-12** is amended to read:

1039 **54-8-12. Property owners failing to appear at hearings -- Waiver of rights.**

1040 Every person who has real property within the boundaries of the district and who fails
1041 to appear before the governing body at the hearing and make any objection ~~he~~ the property
1042 owner may have to the creation of the district, the making of the improvements and the
1043 inclusion of ~~his~~ the owner's real property in the district, shall be deemed to have waived every
1044 such objection. Such waiver shall not, however, preclude ~~his~~ the property owner's right to
1045 object to the amount of the assessment at the hearing for which provision is made in Section
1046 **54-8-17**.

1047 Section 86. Section **56-1-19** is amended to read:

1048 **56-1-19. Right to eject passenger.**

1049 If any passenger refuses to pay ~~his~~ the fare or exhibit or surrender ~~his~~ a ticket when
1050 requested so to do, or if ~~he~~ the passenger behaves in a disorderly manner, the conductor and

1051 employees of a railroad company may, on stopping the train, put ~~[him]~~ the passenger and ~~[his]~~
1052 the passenger's baggage out of the cars, using no unnecessary force, at any usual stopping place
1053 or in sight of a dwelling.

1054 Section 87. Section **56-1-20** is amended to read:

1055 **56-1-20. Operating employees to wear insignia.**

1056 Every conductor, baggage master, engineer, brakeman or other employee of a railroad
1057 company, employed in a passenger train or at the stations for passengers, shall wear upon ~~[his]~~
1058 the employee's hat or cap or in some conspicuous place on the breast of ~~[his]~~ the employee's
1059 coat a badge indicating ~~[his]~~ the employee's office or station, and, by its initial letters, the name
1060 of the company by which ~~[he]~~ the employee is employed; and no collector or conductor without
1061 such badge shall demand or be entitled to receive from any passenger any fare or ticket or
1062 exercise any of the powers of ~~[his]~~ the collector's or conductor's office or station or interfere
1063 with any passenger or ~~[his]~~ the passenger's property.

1064 Section 88. Section **57-1-4** is amended to read:

1065 **57-1-4. Attempted conveyance of more than grantor owns -- Effect.**

1066 A conveyance made by an owner of an estate for life or years, purporting to convey a
1067 greater estate than ~~[he]~~ the owner could lawfully transfer, does not work a forfeiture of ~~[his]~~ the
1068 estate, but passes to the grantee all the estate which the grantor could lawfully transfer.

1069 Section 89. Section **57-1-11** is amended to read:

1070 **57-1-11. Claimant out of possession may convey.**

1071 Any person claiming title to any real estate may, notwithstanding there may be an
1072 adverse possession thereof, sell and convey ~~[his]~~ the claimant's interest therein in the same
1073 manner and with the same effect as if ~~[he]~~ the claimant were in the actual possession thereof.

1074 Section 90. Section **57-2-12** is amended to read:

1075 **57-2-12. Certificate of proof by subscribing witness.**

1076 No certificate of such proof shall be made unless such subscribing witness shall prove
1077 that the person whose name is subscribed thereto as a party is the person described in, and who
1078 executed, the same; that such person executed the conveyance, and that such person
1079 ~~[subscribed his name]~~ signed thereto as a witness thereof at the request of the maker of such
1080 instrument.

1081 Section 91. Section **57-2-15** is amended to read:

1082 **57-2-15. Evidence required for certificate of proof.**

1083 No certificate of any such proof shall be made unless a competent and credible witness
1084 shall state on oath or affirmation that ~~he~~ the competent and credible witness personally knew
1085 the person whose name is subscribed thereto as a party, well knows ~~his~~ the subscribing party's
1086 signature, stating ~~his~~ the competent and credible witness's means of knowledge, and believes
1087 the name of the party subscribed thereto as a party was subscribed by such person; nor unless a
1088 competent and credible witness shall in like manner state that ~~he~~ the competent and credible
1089 witness personally knew the person whose name is subscribed to such conveyance as a witness,
1090 well knows ~~his~~ the subscribing witness's signature, stating ~~his~~ the competent and credible
1091 witness's means of knowledge, and believes the name subscribed thereto as a witness was
1092 thereto subscribed by such person.

1093 Section 92. Section **57-2-16** is amended to read:

1094 **57-2-16. Subpoena to subscribing witness.**

1095 Upon the application of any grantee in any conveyance required by law to be recorded,
1096 or of any person claiming under such grantee, verified under the oath of the applicant, that any
1097 witness to such conveyance residing in the county where such application is made refuses to
1098 appear and testify touching the execution thereof, and that such conveyance cannot be proved
1099 without ~~his~~ the subscribing witness's evidence, any officer authorized to take the
1100 acknowledgment or proof of such conveyance may issue a subpoena requiring such witness to
1101 appear before such officer and testify touching the execution thereof.

1102 Section 93. Section **57-2-17** is amended to read:

1103 **57-2-17. Disobedience of subpoenaed witness -- Contempt -- Proof aliunde.**

1104 Every person who, being served with a subpoena, shall without reasonable cause refuse
1105 or neglect to appear, or, appearing, shall refuse to answer upon oath touching the matters
1106 aforesaid, shall be liable to the party injured for such damages as may be sustained by ~~him~~ the
1107 injured party on account of such neglect or refusal, and may also be dealt with for contempt as
1108 provided by law; but no person shall be required to attend who resides out of the county in
1109 which the proof is to be taken, nor unless ~~his~~ the subscribing witness's reasonable expenses
1110 shall have first been tendered to ~~him~~ the subscribing witness; provided, that if it shall appear
1111 to the satisfaction of the officer so authorized to take such acknowledgment that such
1112 subscribing witness purposely ~~conceals himself~~ hides, or keeps out of the way, so that ~~he~~

1113 the subscribing witness cannot be served with a subpoena or taken on attachment after the use
1114 of due diligence to that end, or in case of [~~his~~] the subscribing witness's continued failure or
1115 refusal to testify for the space of one hour after [~~his~~] the subscribing witness's appearance shall
1116 have been compelled by process, then said conveyance or other instrument may be proved and
1117 admitted to record in the same manner as if such subscribing witness thereto were dead.

1118 Section 94. Section **57-6-2** is amended to read:

1119 **57-6-2. Claimant to commence action -- Complaint -- Trial of issues.**

1120 Such complaint must set forth the grounds on which the defendant seeks relief, stating
1121 as accurately as practicable the value of the real estate, exclusive of the improvements thereon
1122 made by the claimant or [~~his~~] the claimant's grantors, and the value of such improvements. The
1123 issues joined thereon must be tried as in law actions, and the value of the real estate and of such
1124 improvements must be separately ascertained on the trial.

1125 Section 95. Section **57-6-3** is amended to read:

1126 **57-6-3. Rights of parties -- Acquiring other's interest or holding as tenants in**
1127 **common.**

1128 The plaintiff in the main action may thereupon pay the appraised value of the
1129 improvements and take the property, but should [~~he~~] the plaintiff fail to do so after a reasonable
1130 time, to be fixed by the court, the defendant may take the property upon paying its value,
1131 exclusive of the improvements. If this is not done within a reasonable time, to be fixed by the
1132 court, the parties will be held to be tenants in common of all the real estate, including the
1133 improvements, each holding an interest proportionate to the values ascertained on the trial.

1134 Section 96. Section **57-6-7** is amended to read:

1135 **57-6-7. When execution on judgment of possession may issue.**

1136 The plaintiff in the main action is entitled to an execution to put [~~him~~] the plaintiff in
1137 possession of [~~his~~] the plaintiff's property in accordance with the provisions of this chapter, but
1138 not otherwise.

1139 Section 97. Section **57-6-8** is amended to read:

1140 **57-6-8. Improvements made by occupants of land granted to state.**

1141 Any person having improvements on any real estate granted to the state in aid of any
1142 work of internal improvement, whose title thereto is questioned by another, may remove such
1143 improvements without injury otherwise to such real estate, at any time before [~~he~~] the person is

1144 evicted therefrom, or ~~he~~ the person may claim and have the benefit of this chapter by
1145 proceeding as herein directed.

1146 Section 98. Section **57-8-19** is amended to read:

1147 **57-8-19. Liens against units -- Removal from lien -- Effect of part payment.**

1148 (1) Subsequent to recording the declaration as provided in this act, and while the
1149 property remains subject to this act, no lien shall thereafter arise or be effective against the
1150 property. During such period liens or encumbrances shall arise or be created only against each
1151 unit and the percentage of undivided interest in the common areas and facilities appurtenant to
1152 such unit in the same manner and under the same conditions in every respect as liens or
1153 encumbrances may arise or be created upon or against any other separate parcel of real property
1154 subject to individual ownership; provided that no labor performed or materials furnished with
1155 the consent or at the request of a unit owner or ~~his~~ the unit owner's agent or ~~his~~ the unit
1156 owner's contractor or subcontractor shall be the basis for the filing of a lien pursuant to the lien
1157 law against the unit of any other unit owner not expressly consenting to or requesting the same,
1158 except that such express consent shall be deemed to be given by the owner of any unit in the
1159 case of emergency repairs. Labor performed or materials furnished for the common areas and
1160 facilities, if authorized by the unit owners, the manager or management committee in
1161 accordance with this act, the declaration or bylaws or the house rules, shall be deemed to be
1162 performed or furnished with the express consent of each unit owner and shall be the basis for
1163 the filing of a lien pursuant to the lien law against each of the units.

1164 (2) In the event a lien against two or more units becomes effective, the unit owners of
1165 the separate units may remove their units and the percentage of undivided interest in the
1166 common areas and facilities appurtenant to such units from the lien by payment of the
1167 fractional or proportional amount attributable to each of the units affected. Such individual
1168 payment shall be computed by reference to the percentages appearing in the declaration.
1169 Subsequent to any payment, discharge or other satisfaction, the unit and the percentage of
1170 undivided interest in the common areas and facilities appurtenant thereto shall be free and clear
1171 of the lien so paid, satisfied or discharged. Partial payment, satisfaction or discharge shall not
1172 prevent the lienor from proceeding to enforce ~~his~~ the lienor's rights against any unit and the
1173 percentage of undivided interest in the common areas and facilities appurtenant thereto not so
1174 paid, satisfied or discharged.

1175 Section 99. Section **57-8-25** is amended to read:

1176 **57-8-25. Joint and several liability of grantor and grantee for unpaid common**
 1177 **expenses.**

1178 In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with
 1179 the grantor for all unpaid assessments against the latter for [~~his~~] the grantor's share of the
 1180 common expenses up to the time of the grant or conveyance, without prejudice to the grantee's
 1181 rights to recover from the grantor the amounts paid by the grantee. However, any such grantee
 1182 shall be entitled to a statement from the manager or management committee setting forth the
 1183 amounts of the unpaid assessments against the grantor, and such grantee shall not be liable for,
 1184 nor shall the unit conveyed be subject to a lien for, any unpaid assessments against the grantor
 1185 in excess of the amount set forth.

1186 Section 100. Section **57-8-26** is amended to read:

1187 **57-8-26. Waiver of use of common areas and facilities -- Abandonment of unit.**

1188 No unit owner may be exempt [~~himself~~] from liability for [~~his~~] the unit owner's
 1189 contribution towards the common expenses by waiver of the use or enjoyment of any of the
 1190 common areas and facilities or by abandonment of [~~his~~] the owner's unit.

1191 Section 101. Section **57-9-4** is amended to read:

1192 **57-9-4. Filing of notice of claim of interest authorized -- Effect of possession of**
 1193 **land by record owner of possessory interest.**

1194 (1) Any person claiming an interest in land may preserve and keep effective such
 1195 interest by filing for record during the forty-year period immediately following the effective
 1196 date of the root of title of the person whose record title would otherwise be marketable, a notice
 1197 in writing, duly verified by oath, setting forth the nature of the claim. No disability or lack of
 1198 knowledge of any kind on the part of anyone shall suspend the running of the forty-year period.
 1199 The notice may be filed for record by the claimant or by any other person acting in behalf of
 1200 any claimant who is:

1201 (a) under a disability[;];

1202 (b) unable to assert a claim on [~~his own~~] the claimant's own behalf[;]; or

1203 (c) one of a class, but whose identity cannot be established or is uncertain at the time of
 1204 filing the notice of claim for record.

1205 (2) If the same record owner of any possessory interest in land has been in possession

1206 of such land continuously for a period of 40 years or more, during which period no title
1207 transaction with respect to such interest appears of record in [his] the record owner's chain of
1208 title, and no notice has been filed by [him] the record owner or on [his] the record owner's
1209 behalf as provided in Subsection (1), and such possession continues to the time when
1210 marketability is being determined, such period of possession shall be deemed equivalent to the
1211 filing of the notice immediately preceding the termination of the forty-year period described in
1212 Subsection (1).

1213 Section 102. Section **57-9-8** is amended to read:

1214 **57-9-8. Definitions.**

1215 As used in this act:

1216 (1) The words "marketable record title" mean a title of record as indicated in Section
1217 **57-9-1**, which operates to extinguish such interests and claims, existing prior to the effective
1218 date of the root of title, as are stated in Section **57-9-3**.

1219 (2) The word "records" includes probate and other official public records, as well as
1220 records in the registry of deeds.

1221 (3) The word "recording," when applied to the official public records of a probate or
1222 other court, includes filing.

1223 (4) The words "person dealing with land" include a purchaser of any estate or interest
1224 therein, a mortgagee, a levying or attaching creditor, a land contract vendee, or any other
1225 person seeking to acquire an estate or interest therein, or impose a lien thereon.

1226 (5) The words "root of title" mean that conveyance or other title transaction in the
1227 chain of title of a person, purporting to create the interest claimed by such person, upon which
1228 [he] such person relies as a basis for the marketability of [his] that person's title, and which was
1229 the most recent to be recorded as of a date 40 years prior to the time when marketability is
1230 being determined. The effective date of the "root of title" is the date on which it is recorded.

1231 (6) The words "title transaction" mean any transaction affecting title to any interest in
1232 land, including title by will or descent, title by tax deed, or by trustee's, referee's, guardian's,
1233 executor's, administrator's, master in chancery's, or sheriff's deed, or decree of any court, as
1234 well as warranty deed, quitclaim deed, or mortgage.

1235 Section 103. Section **67-1-4** is amended to read:

1236 **67-1-4. Records to be kept.**

1237 The governor must cause to be kept the following records:

1238 (1) An account of all [his] the governor's official expenses and disbursements,
1239 including the incidental expenses of [his] the governor's department, and an account of all
1240 rewards offered by [him] the governor for the apprehension of criminals and persons charged
1241 with crime.

1242 (2) A register of all appointments made by [him] the governor, with dates of
1243 commissions and names of appointees and predecessors.

1244 Section 104. Section **67-1-6** is amended to read:

1245 **67-1-6. Acting governor -- Powers and duties.**

1246 Every provision of law relating to the powers and duties of the governor, and relating to
1247 acts and duties to be performed by others toward [him] the governor, extends to the person
1248 performing, for the time being, the duties of governor.

1249 Section 105. Section **67-3-2** is amended to read:

1250 **67-3-2. Right to compel accounting by, and state accounts with, all collectors of**
1251 **state money -- Escheats.**

1252 Whenever any person has received money, or has money or other personal property
1253 which belongs to the state by escheat or otherwise, or has been entrusted with the collection,
1254 management or disbursement of any money, bonds, or interest accruing thereon, belonging to
1255 or held in trust by the state, and fails to render an account thereof to and make settlement with
1256 the state auditor within the time prescribed by law, or, when no particular time is specified,
1257 fails to render such account and make settlement, or who fails to pay into the state treasury any
1258 money belonging to the state, upon being required so to do by the state auditor, within 20 days
1259 after such requisition, the state auditor must state an account with such person, charging 25%
1260 damages, and interest at the rate of 10% per annum from the time of failure; a copy of such
1261 account in any suit thereon shall be prima facie evidence of the things therein stated. In case the
1262 state auditor cannot, for want of information, state such an account, [he] the state auditor may
1263 in any action brought by [him] the state auditor aver the fact, and allege generally the amount
1264 of money or other property which is due to or which belongs to the state.

1265 Section 106. Section **67-4-15** is amended to read:

1266 **67-4-15. Insurance protection for funds, warrants and securities.**

1267 The state treasurer shall procure such insurance protecting the funds, warrants and

1268 securities in ~~[his]~~ the state treasurer's custody against loss from such causes and in such
 1269 amounts as the Commission of Finance may from time to time determine. The cost of such
 1270 insurance shall be paid out of the fund for the protection of which it is carried.

1271 Section 107. Section **67-9-2** is amended to read:

1272 **67-9-2. Official bonds.**

1273 Where a deputy of any state officer is required to give a bond to the state ~~[he]~~, the
 1274 deputy shall give a surety-company bond, and the premium therefor shall be paid by the state.

1275 Section 108. Section **67-16-9** is amended to read:

1276 **67-16-9. Conflict of interests prohibited.**

1277 No public officer or public employee shall have personal investments in any business
 1278 entity which will create a substantial conflict between ~~[his]~~ the public officer's or public
 1279 employee's private interests and ~~[his]~~ the public officer's or public employee's public duties.

1280 Section 109. Section **69-1-4** is amended to read:

1281 **69-1-4. Transmitting certified instruments -- Burden of proof.**

1282 Except as hereinbefore otherwise provided, any instrument in writing~~[;]~~ that is duly
 1283 certified under ~~[his hand and official seal by a notary public;]~~ the hand of the commissioner of
 1284 deeds or clerk of a court of record to be genuine to the personal knowledge of such officer and
 1285 that is certified under official seal by a notary public, may, together with such certificate, be
 1286 sent by telegraph or telephone. The telegraphic or telephonic copy thereof shall, prima facie
 1287 only, have the same force, effect and validity in all respects as the original, and the burden of
 1288 proof shall be on the party denying the genuineness or due execution of the original.

1289 Section 110. Section **73-1-9** is amended to read:

1290 **73-1-9. Contribution between joint owners of ditch or reservoir.**

1291 When two or more persons are associated in the use of any dam, canal, reservoir, ditch,
 1292 lateral, flume or other means for conserving or conveying water for the irrigation of land or for
 1293 other purposes, each of them shall be liable to the other for the reasonable expenses of
 1294 maintaining, operating and controlling the same, in proportion to the share in the use or
 1295 ownership of the water to which ~~[he]~~ the ~~Ŝ→~~ [user or owner] person ~~←Ŝ~~ is entitled.

1296 Section 111. Section **73-1-12** is amended to read:

1297 **73-1-12. Failure to record -- Effect.**

1298 Every deed of a water right which shall not be recorded as provided in this title shall be

1299 void as against any subsequent purchaser, in good faith and for a valuable consideration, of the
 1300 same water right, or any portion thereof, where [his own] the ~~Ŝ~~→ ~~[water right owner's]~~ subsequent
 1300a purchaser's ←~~Ŝ~~ deed shall be
 1301 first duly recorded.

1302 Section 112. Section **73-2-1.2** is amended to read:

1303 **73-2-1.2. Director of Division of Water Rights -- Appointment of state engineer.**

1304 The Division of Water Rights shall be administered by the state engineer who shall act
 1305 as the director of the Division of Water Rights and who shall be appointed as provided by
 1306 Section **73-2-1**. Nothing contained in this act shall modify, repeal or impair the powers or
 1307 duties of the state engineer relating to the administration, appropriation, adjudication and
 1308 distribution of the waters of the state of Utah as are conferred upon [him] the state engineer
 1309 pursuant to Title 73, Water and Irrigation, or the provisions of any other laws.

1310 Section 113. Section **73-2-1.3** is amended to read:

1311 **73-2-1.3. Report to executive director of natural resources.**

1312 The state engineer shall report to the executive director of natural resources at such
 1313 times and on such administrative matters concerning [his] the state engineer's office as the
 1314 executive director may require.

1315 Section 114. Section **73-2-11** is amended to read:

1316 **73-2-11. Records -- Certified copies -- Evidence.**

1317 [He] The state engineer shall keep on file in [his] the state engineer's office full and
 1318 proper records of [his] the state engineer's work, including all field notes, computations and
 1319 facts made or collected by [him] the state engineer, all of which shall be part of the records of
 1320 [his] the state engineer's office and the property of the state. All records, maps and papers
 1321 recorded or filed in the office of the state engineer shall be open to the public during business
 1322 hours. The office of the state engineer is hereby declared to be an office of public record, and
 1323 none of the files, records or documents shall be removed therefrom, except in the custody of
 1324 the state engineer or one of [his] the state engineer's deputies. Certified copies of any record or
 1325 document shall be furnished by the state engineer on demand, upon payment of the reasonable
 1326 cost of making the same, together with the legal fee for certification. Such copies shall be
 1327 competent evidence, and shall have the same force and effect as the originals.

1328 Section 115. Section **73-3-11** is amended to read:

1329 **73-3-11. Statement of financial ability of applicants.**

1330 Before either approving or rejecting an application the state engineer may require such
1331 additional information as will enable ~~[him]~~ the state engineer properly to guard the public
1332 interests, and may require a statement of the following facts: In case of an incorporated
1333 company, ~~[he]~~ the state engineer may require the submission of the articles of incorporation,
1334 the names and places of residence of its directors and officers, and the amount of its authorized
1335 and its paid-up capital. If the applicant is not a corporation, ~~[he]~~ the state engineer may require
1336 a showing as to the names of the persons proposing to make the appropriation and a showing of
1337 facts necessary to enable ~~[him]~~ the state engineer to determine whether or not they are qualified
1338 appropriators and have the financial ability to carry out the proposed work, and whether or not
1339 the application has been made in good faith.

1340 Section 116. Section **73-3-19** is amended to read:

1341 **73-3-19. Right of entry on private property -- By applicant -- Bond -- Priority.**

1342 Whenever any applicant for the use of water from any stream or water source must
1343 necessarily enter upon private property in order to make a survey to secure the required
1344 information for making a water filing and is refused by the owner or possessor of such property
1345 such right of entry, ~~[he]~~ the applicant may petition the district court for an order granting such
1346 right, and after notice and hearing, such court may grant such permission, on security being
1347 given to pay all damage caused thereby to the owner of such property. In such case the priority
1348 of such application shall date from the filing of such petition with the district court as
1349 aforesaid.

1350 Section 117. Section **73-4-2** is amended to read:

1351 **73-4-2. Interstate streams.**

1352 For the purpose of co-operating with the state engineers of adjoining states in the
1353 determination and administration of rights to interstate waters and for such other purposes as
1354 ~~[he]~~ the state engineer may deem expedient, the state engineer, with the approval of the
1355 executive director and the governor, is authorized to initiate and to join in suits for the
1356 adjudication of such rights in the federal courts and in the courts of other states without
1357 requiring a petition of water users as provided by Section **73-4-1**. The state engineer, with the
1358 approval of the executive director and the governor, may also commence, prosecute and defend
1359 suits to adjudicate interstate waters on behalf of this state or its citizens in the courts of other
1360 states, in federal courts, and in the Supreme Court of the United States.

1361 Section 118. Section **73-4-23** is amended to read:

1362 **73-4-23. Effective date of amendatory act -- Application to pending suits -- State**
1363 **engineer's certificate.**

1364 This act shall be effective 60 days from its enactment and shall apply to all suits now
1365 pending under Title 73, Chapter 4, Determination of Water Rights, Utah Code Annotated 1953,
1366 except those proceedings under which the state engineer has by the effective date hereof
1367 completed [~~his~~] the state engineer's survey, and it is expressly provided that those actions
1368 where the state engineer has by the effective date of this act completed [~~his~~] the state engineer's
1369 survey may proceed to completion under the procedure prescribed by the statutes heretofore
1370 existing. The state engineer shall within 10 days after the effective date of this act file with the
1371 clerk of the court in each action then pending under Title 73, Chapter 4, Determination of
1372 Water Rights, Utah Code Annotated 1953, a certificate under the seal of [~~his~~] the state
1373 engineer's office stating whether or not [~~he~~] the state engineer has completed the survey so that
1374 all persons will have notice and can know whether or not this act is applicable to such existing
1375 suit.

1376 Section 119. **Effective date.**

1377 This bill takes effect on May 1, 2024.