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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**, enacted in Utah Code Annotated 1953
- 6-1-4**, enacted in Utah Code Annotated 1953
- 6-1-10**, enacted in Utah Code Annotated 1953
- 6-1-11**, enacted in Utah Code Annotated 1953
- 6-1-13**, enacted in Utah Code Annotated 1953
- 6-1-14**, enacted in Utah Code Annotated 1953
- 6-1-16**, enacted in Utah Code Annotated 1953
- 6-1-17**, enacted in Utah Code Annotated 1953
- 6-1-18**, enacted in Utah Code Annotated 1953
- 10-8-42**, enacted in Utah Code Annotated 1953
- 10-8-78**, enacted in Utah Code Annotated 1953
- 10-8-85**, enacted in Utah Code Annotated 1953

- 29 **11-1-1**, enacted in Utah Code Annotated 1953
30 **11-6-1**, enacted in Utah Code Annotated 1953
31 **11-7-4**, as enacted by Laws of Utah 1957, Chapter 19
32 **15-2-2**, enacted in Utah Code Annotated 1953
33 **15-2-3**, enacted in Utah Code Annotated 1953
34 **15-2-4**, enacted in Utah Code Annotated 1953
35 **15-3-1**, enacted in Utah Code Annotated 1953
36 **15-4-5**, enacted in Utah Code Annotated 1953
37 **15-4-6**, enacted in Utah Code Annotated 1953
38 **16-7-6**, enacted in Utah Code Annotated 1953
39 **17-3-9**, enacted in Utah Code Annotated 1953
40 **17-16-12**, enacted in Utah Code Annotated 1953
41 **17-22-10**, enacted in Utah Code Annotated 1953
42 **17-22-11**, enacted in Utah Code Annotated 1953
43 **17-22-13**, enacted in Utah Code Annotated 1953
44 **17-22-14**, enacted in Utah Code Annotated 1953
45 **17-22-15**, enacted in Utah Code Annotated 1953
46 **17-22-16**, enacted in Utah Code Annotated 1953
47 **17-22-17**, enacted in Utah Code Annotated 1953
48 **17-22-18**, enacted in Utah Code Annotated 1953
49 **17-22-19**, enacted in Utah Code Annotated 1953
50 **17-22-20**, enacted in Utah Code Annotated 1953
51 **17-22-24**, enacted in Utah Code Annotated 1953
52 **17-22-25**, enacted in Utah Code Annotated 1953
53 **17-30-10**, as enacted by Initiative Measure, 1960
54 **17-30-16**, as enacted by Initiative Measure, 1960
55 **17-30-17**, as enacted by Initiative Measure, 1960
56 **17-30-20**, as enacted by Initiative Measure, 1960
57 **22-1-4**, enacted in Utah Code Annotated 1953
58 **22-1-5**, enacted in Utah Code Annotated 1953
59 **22-1-6**, enacted in Utah Code Annotated 1953
60 **22-1-7**, enacted in Utah Code Annotated 1953
61 **22-1-8**, enacted in Utah Code Annotated 1953
62 **22-1-9**, enacted in Utah Code Annotated 1953

- 63 **22-2-1**, enacted in Utah Code Annotated 1953
64 **25-5-1**, enacted in Utah Code Annotated 1953
65 **25-5-3**, enacted in Utah Code Annotated 1953
66 **25-5-6**, enacted in Utah Code Annotated 1953
67 **25-5-7**, enacted in Utah Code Annotated 1953
68 **29-1-1**, enacted in Utah Code Annotated 1953
69 **34-19-8**, as enacted by Laws of Utah 1969, Chapter 85
70 **34-19-11**, as enacted by Laws of Utah 1969, Chapter 85
71 **34-20-1**, as enacted by Laws of Utah 1969, Chapter 85
72 **34-26-2**, as enacted by Laws of Utah 1969, Chapter 85
73 **34-26-3**, as enacted by Laws of Utah 1969, Chapter 85
74 **34-27-1**, as enacted by Laws of Utah 1969, Chapter 85
75 **34-29-9**, as enacted by Laws of Utah 1969, Chapter 85
76 **34-29-19**, as enacted by Laws of Utah 1969, Chapter 85
77 **34-30-8**, as enacted by Laws of Utah 1969, Chapter 85
78 **34-33-1**, as enacted by Laws of Utah 1969, Chapter 85
79 **34-34-13**, as enacted by Laws of Utah 1969, Chapter 85
80 **38-2-1**, enacted in Utah Code Annotated 1953
81 **38-2-2**, as last amended by Laws of Utah 1953, Chapter 61
82 **38-2-3.1**, as enacted by Laws of Utah 1953, Chapter 62
83 **38-2-5**, enacted in Utah Code Annotated 1953
84 **38-3-3**, enacted in Utah Code Annotated 1953
85 **38-7-3**, as enacted by Laws of Utah 1965, Chapter 75
86 **40-1-2**, enacted in Utah Code Annotated 1953
87 **40-1-12**, enacted in Utah Code Annotated 1953
88 **41-4-2**, enacted in Utah Code Annotated 1953
89 **41-4-3**, enacted in Utah Code Annotated 1953
90 **41-4-12**, enacted in Utah Code Annotated 1953
91 **41-19-1**, as enacted by Laws of Utah 1967, Chapter 53
92 **42-1-1**, enacted in Utah Code Annotated 1953
93 **43-1-2**, enacted in Utah Code Annotated 1953
94 **47-1-2**, enacted in Utah Code Annotated 1953
95 **47-1-3**, enacted in Utah Code Annotated 1953
96 **47-1-7**, enacted in Utah Code Annotated 1953

97 **52-1-8**, enacted in Utah Code Annotated 1953
98 **52-1-11**, enacted in Utah Code Annotated 1953
99 **54-4-20**, enacted in Utah Code Annotated 1953
100 **54-7-7**, enacted in Utah Code Annotated 1953
101 **54-8-12**, as enacted by Laws of Utah 1969, Chapter 157
102 **56-1-19**, enacted in Utah Code Annotated 1953
103 **56-1-20**, enacted in Utah Code Annotated 1953
104 **57-1-4**, enacted in Utah Code Annotated 1953
105 **57-1-11**, enacted in Utah Code Annotated 1953
106 **57-2-12**, enacted in Utah Code Annotated 1953
107 **57-2-15**, enacted in Utah Code Annotated 1953
108 **57-2-16**, enacted in Utah Code Annotated 1953
109 **57-2-17**, enacted in Utah Code Annotated 1953
110 **57-6-2**, enacted in Utah Code Annotated 1953
111 **57-6-3**, enacted in Utah Code Annotated 1953
112 **57-6-7**, enacted in Utah Code Annotated 1953
113 **57-6-8**, enacted in Utah Code Annotated 1953
114 **57-8-19**, as enacted by Laws of Utah 1963, Chapter 111
115 **57-8-25**, as enacted by Laws of Utah 1963, Chapter 111
116 **57-8-26**, as enacted by Laws of Utah 1963, Chapter 111
117 **57-9-4**, as enacted by Laws of Utah 1963, Chapter 109
118 **57-9-8**, as enacted by Laws of Utah 1963, Chapter 109
119 **67-1-4**, enacted in Utah Code Annotated 1953
120 **67-1-6**, enacted in Utah Code Annotated 1953
121 **67-3-2**, enacted in Utah Code Annotated 1953
122 **67-4-15**, enacted in Utah Code Annotated 1953
123 **67-9-2**, enacted in Utah Code Annotated 1953
124 **67-16-9**, as enacted by Laws of Utah 1969, Chapter 128
125 **69-1-4**, enacted in Utah Code Annotated 1953
126 **73-1-9**, enacted in Utah Code Annotated 1953
127 **73-1-12**, enacted in Utah Code Annotated 1953
128 **73-2-1.2**, as enacted by Laws of Utah 1967, Chapter 176
129 **73-2-1.3**, as enacted by Laws of Utah 1967, Chapter 176
130 **73-2-11**, enacted in Utah Code Annotated 1953

131 **73-3-11**, enacted in Utah Code Annotated 1953
132 **73-3-19**, enacted in Utah Code Annotated 1953
133 **73-4-2**, as last amended by Laws of Utah 1969, Chapter 198
134 **73-4-23**, enacted in Utah Code Annotated 1953

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

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

138 **6-1-2 . When assignment void.**

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

- 141 (1) if it gives a preference dependent upon any condition or contingency, or with any power
142 of revocation reserved;
- 143 (2) if it tends to coerce any creditor to release or compromise [~~his~~] the creditor's demand;
- 144 (3) if it provides for the payment of any claim known by the assignor to be false or
145 fraudulent, or for the payment of more upon any claim than is known to be justly due
146 from the assignor;
- 147 (4) if it reserves any interest in the assigned property or in any part thereof to the assignor
148 or for [~~his~~] the assignor's benefit before all [~~his~~] the assignor's existing debts are paid; and
- 149 (5) if it confers upon the assignee any power which, if exercised, might prevent or delay the
150 immediate conversion of the assigned property to the purposes of the trust; provided,
151 that the assignment may provide reasonable terms and manner of sale to be carried out
152 only so far as practicable and not prejudicial to the interest of the estate in the discretion
153 of the court.

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

155 **6-1-4 . Inventory -- Bond.**

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

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

164 **6-1-10 . Dividends to creditors.**

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

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

178 **6-1-11 . Court to supervise administration.**

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

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

184 **6-1-13 . Failure to file inventory -- Examination of debtor.**

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

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

194 **6-1-14 . Subsequent inventory -- Additional bond.**

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

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

200 **6-1-16 . Sales -- Confirmation.**

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

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

209 **6-1-17 . Removal of assignee.**

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

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

216 **6-1-18 . Death or neglect of assignee.**

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

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

227 **10-8-42 . Intoxicating liquors -- Prohibitions on manufacture, sale, possession, etc.**

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

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

234 **10-8-78 . Official bonds and reports.**

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

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

240 **10-8-85 . Prison labor and fines.**

241 They may provide by ordinance that any person committed to the county or
242 municipal jail or other place of incarceration as a punishment or in default of the
243 payment of a fine, or fine and costs, shall be required to work for the city at such labor
244 as [~~his~~] the person's strength will permit not exceeding eight hours in each working day;
245 and that a judgment that the defendant pay a fine or a fine and costs may also direct that [
246 ~~he~~] the defendant be imprisoned until the amount thereof is satisfied, specifying the
247 extent of imprisonment which cannot exceed one day for each \$2 of such amount.

248 Section 13. Section **11-1-1** is amended to read:

249 **11-1-1 . Auditor's certificate to show obligation within debt limit.**

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

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

257 **11-6-1 . Records to be kept -- Availability to peace officers.**

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

267 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
271 injured outside the territorial limits of the county or municipality where [~~he~~] the
272 firefighter is a member of the fire-fighting force or fire department and while that force
273 or department is functioning pursuant to any contract made under Section 11-7-1 shall
274 be the same as if [~~he~~] the firefighter were killed or injured while that force or department
275 was functioning within its own territorial limits, and [~~his~~] the firefighter's death shall be
276 considered in the line of duty.

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

278 **15-2-2 . Liability for necessities and on contracts -- Disaffirmance.**

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

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

285 **15-2-3 . Limitation on right to disaffirm.**

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

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

291 **15-2-4 . Payment for personal services.**

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

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

297 **15-3-1 . Conveyances, releases, sales by persons acting jointly.**

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

301 parties.

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

303 **15-4-5 . Release of co-obligor -- Effect of knowledge of obligee.**

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

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

313 (a) the amount of the fractional share of the obligor released or discharged; or

314 (b) the amount that such obligor was bound by [~~his~~] that obligor's contract or relation
315 with the co-obligor to pay.

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

317 **15-4-6 . Death of joint obligor -- Survivorship.**

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

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

322 **16-7-6 . Powers of corporations sole.**

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

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

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

334 (3) To contract and be contracted with.

- 335 (4) To sue and be sued.
336 (5) To plead and be impleaded in all courts of justice.
337 (6) To have and use a common seal by which all deeds and acts of such corporation may be
338 authenticated.

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

340 **17-3-9 . Division of taxes.**

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

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

352 **17-16-12 . Business to be finished before expiration of term.**

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

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

360 **17-22-10 . Prisoners under civil process.**

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

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

369 **17-22-11 . Return of process.**

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

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

374 **17-22-13 . Failure or delay in making return on process -- Penalty.**

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

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

379 **17-22-14 . Failure to levy execution -- Penalty.**

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

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

386 **17-22-15 . Neglect or refusal to pay over money -- Penalty.**

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

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

396 **17-22-16 . Declaring office vacant.**

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

400 Section 31. Section **17-22-17** is amended to read:

401 **17-22-17 . Escapes -- Sheriff's liability.**

402 A sheriff who suffers the escape of a person arrested in a civil action, without the

403 consent or connivance of the party in whose behalf the arrest or imprisonment is made,
404 is liable as follows:

- 405 (1) When the arrest is upon an order to hold to bail or upon a surrender in exoneration of
406 bail before judgment [he] the sheriff is liable to the plaintiff as bail.
- 407 (2) When the arrest is on an execution or commitment to enforce the payment of money [he]
408 the sheriff is liable for the amount expressed in the execution or commitment.
- 409 (3) When the arrest is on an execution or commitment other than to enforce the payment of
410 money [he] the sheriff is liable for the actual damages sustained.
- 411 (4) Upon being sued for damages for an escape or rescue [he] the sheriff may introduce
412 evidence in mitigation and exculpation.

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

414 **17-22-18 . Rescues -- Sheriff's liability.**

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

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

418 **17-22-19 . Action for escape or rescue -- Defenses.**

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

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

424 **17-22-20 . Only written directions to sheriff binding.**

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

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

431 **17-22-24 . Service of papers, other than process, on sheriff -- Powers of successor.**

432 Service upon the sheriff of a paper other than process may be made by delivering
433 it or a copy thereof to [him] the sheriff or to one of [his] the sheriff's deputies or to a
434 person in charge of [his] the sheriff's office during office hours, or, if no such person is
435 there, by leaving it in a conspicuous place in the office. When any process remains with
436 the sheriff unexecuted, in whole or in part, at the time of [his] the sheriff's death,

437 resignation of office or at the expiration of [his] the sheriff's office such process shall be
 438 executed by [his] the sheriff's successor in office; and when the sheriff sells real estate
 439 under and by virtue of an execution or order of court [he] the sheriff or [his] the sheriff's
 440 successor in office shall execute and deliver to the purchaser all such deeds and
 441 conveyances as are required by law and necessary for that purpose, and such deeds and
 442 conveyances shall be as valid in law as if they had been executed by the sheriff who
 443 made the sale.

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

445 **17-22-25 . Service of process on sheriff -- When constable to act.**

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

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

452 **17-30-10 . Appointments from eligible register -- Failure to accept appointment.**

- 453 (1) When a peace officer is to be appointed, the appointing authority shall request the merit
 454 system commission to certify three eligible applicants for the position. The commission
 455 shall thereupon certify to the appointing authority the names of the three applicants
 456 standing highest on the eligible register. The appointing authority shall select and
 457 appoint one of the persons so certified.
- 458 (2) In the event a certified person fails to accept a proffered appointment, [he] the certified
 459 person may, at [his] the certified person's request, retain [his] the certified person's place
 460 on the eligible register if [he] the certified person submits in writing reasons sufficient in
 461 the judgment of the commission to justify such failure.

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

463 **17-30-16 . Temporary layoffs -- Re-employment register.**

464 When necessary because of lack of funds or work an officer may, with the
 465 approval of the commission, be temporarily laid off. Such layoff shall be made
 466 according to the lowest rating of the officers of the class of position affected, calculated
 467 upon seniority under a method prescribed by the commission. A person serving under
 468 temporary or emergency appointment shall be laid off before any merit system officer. A
 469 merit system officer who is laid off shall be placed upon a re-employment register to be
 470 re-employed in the inverse order in which [he] the merit system officer is laid off, which

471 register shall take precedence over all eligible registers.

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

473 **17-30-17 . Leave of absence -- Sick leaves and vacations.**

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

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

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

484 **17-30-20 . Appeal to district court -- Scope of review.**

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

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

490 **22-1-4 . Transfer of negotiable instruments by fiduciaries.**

491 If any negotiable instrument payable or indorsed to a fiduciary as such is endorsed
492 by the fiduciary, or if any negotiable instrument payable or endorsed to [his] the
493 fiduciary's principal is endorsed by a fiduciary empowered to endorse such instrument
494 on behalf of [his] the principal, the indorsee is not bound to inquire whether the fiduciary
495 is committing a breach of [his] the fiduciary's obligation as fiduciary in endorsing or
496 delivering the instrument, and is not chargeable with notice that the fiduciary is
497 committing a breach of [his] the fiduciary's obligation as fiduciary, unless [he] the
498 fiduciary takes the instrument with actual knowledge of such breach or with knowledge
499 of such facts that [his] the fiduciary's action in taking the instrument amounts to bad
500 faith. If, however, such instrument is transferred by the fiduciary in payment of, or as
501 security for, a personal debt of the fiduciary to the actual knowledge of the creditor, or is
502 transferred in any transaction known by the transferee to be for the personal benefit of
503 the fiduciary, the creditor or other transferee is liable to the principal, if the fiduciary in
504 fact commits a breach of [his] the fiduciary's obligation as fiduciary in transferring the

505 instrument.

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

507 **22-1-5 . Checks -- Drawn by fiduciaries, payable to third persons.**

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

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

523 **22-1-6 . Checks drawn by or payable to fiduciary.**

524 If a check or other bill of exchange is drawn by a fiduciary as such, or in the name
525 of [his] the fiduciary's principal by a fiduciary empowered to draw such instrument in the
526 name of [his] the principal, payable to the fiduciary personally, or payable to a third
527 person and [~~by him transferred~~] transferred by the third person to the fiduciary, and is
528 thereafter transferred by the fiduciary, whether in payment of a personal debt of the
529 fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is
530 committing a breach of [his] the fiduciary's obligation as fiduciary in transferring the
531 instrument, and is not chargeable with notice that the fiduciary is committing a breach of [
532 his] the fiduciary's obligation as fiduciary, unless [he] the transferee takes the instrument
533 with actual knowledge of such breach or with knowledge of such facts that [his] the
534 transferee action in taking the instrument amounts to bad faith.

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

536 **22-1-7 . Bank deposits in name of fiduciary.**

537 If a deposit is made in a bank to the credit of a fiduciary as such, the bank is
538 authorized to pay the amount of the deposit or any part thereof upon the check of the

539 fiduciary, signed with the name in which such deposit is entered, without being liable to
540 the principal, unless the bank pays the check with actual knowledge that the fiduciary is
541 committing a breach of [his] the fiduciary's obligation as fiduciary in drawing the check,
542 or with knowledge of such facts that its action in paying the check amounts to bad faith.
543 If, however, such a check is payable to the drawee bank and is delivered to it in payment
544 of, or as security for, a personal debt of the fiduciary to it, the bank is liable to the
545 principal, if the fiduciary in fact commits a breach of [his] the fiduciary's obligation as
546 fiduciary in drawing or delivering the check.

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

548 **22-1-8 . Checks drawn in name of principal.**

549 If a check is drawn upon the account of [his] a fiduciary's principal in a bank by a
550 fiduciary who is empowered to draw checks upon [his] the fiduciary's principal's
551 account, the bank is authorized to pay such check without being liable to the principal,
552 unless the bank pays the check with actual knowledge that the fiduciary is committing a
553 breach of [his] the fiduciary's obligation as fiduciary in drawing such check, or with
554 knowledge of such facts that its action in paying the check amounts to bad faith. If,
555 however, such a check is payable to the drawee bank and is delivered to it in payment
556 of, or as security for, a personal debt of the fiduciary to it, the bank is liable to the
557 principal, if the fiduciary in fact commits a breach of [his] the fiduciary's obligation as
558 fiduciary in drawing or delivering the check.

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

560 **22-1-9 . Deposits in fiduciary's personal account.**

561 If a fiduciary makes a deposit in a bank to [his] the fiduciary's personal credit of
562 checks drawn by [him] the fiduciary upon an account in [his] the fiduciary's own name as
563 fiduciary, or of checks payable to [him] the fiduciary as fiduciary, or of checks drawn by [
564 him] the fiduciary upon an account in the name of [his] the fiduciary's principal, if [he] the
565 fiduciary is empowered to draw checks thereon, or of checks payable to [his] the
566 fiduciary's principal and indorsed by [him] the fiduciary, if [he] the fiduciary is
567 empowered to indorse such checks, or if [he] the fiduciary otherwise makes a deposit of
568 funds held by [him] the fiduciary as fiduciary, the bank receiving such deposit is not
569 bound to inquire whether the fiduciary is committing thereby a breach of [his] the
570 fiduciary's obligation as fiduciary; and the bank is authorized to pay the amount of the
571 deposit or any part thereof upon the personal check of the fiduciary without being liable
572 to the principal, unless the bank receives the deposit or pays the check with actual

573 knowledge that the fiduciary is committing a breach of [his] the fiduciary's obligation as
 574 fiduciary in making such deposit or in drawing such check, or with knowledge of such
 575 facts that its action in receiving the deposit or paying the check amounts to bad faith.

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

577 **22-2-1 . Death of trustee -- Trust estate vests in successor.**

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

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

583 **25-5-1 . Estate or interest in real property.**

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

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

591 **25-5-3 . Leases and contracts for interest in lands.**

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

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

597 **25-5-6 . Promise to answer for obligation of another -- When not required to be**
 598 **in writing.**

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

- 601 (1) Where the promise is made by one who has received property of another upon an
 602 undertaking to apply it pursuant to such promise, or by one who has received a discharge
 603 from an obligation in whole or in part in consideration of such promise.
- 604 (2) Where the creditor parts with value or enters into an obligation in consideration of the
 605 obligation in respect to which the promise is made in terms or under circumstances such
 606 as to render the party making the promise the principal debtor and the person in whose

- 607 behalf it is made [his] the principal debtor's surety.
- 608 (3) Where the promise, being for an antecedent obligation of another, is made upon the
609 consideration that the party receiving it cancel the antecedent obligation, accepting the
610 new promise as a substitute therefor; or upon the consideration that the party receiving it
611 releases the property of another from a levy or [his] the other's person from
612 imprisonment under an execution on a judgment obtained upon the antecedent
613 obligation; or upon a consideration beneficial to the promisor, whether moving from
614 either party to the antecedent obligation or from another person.
- 615 (4) Where a factor undertakes for a commission to sell merchandise and to guarantee the
616 sale.
- 617 (5) When the holder of an instrument for the payment of money upon which a third person
618 is or may become liable to [him] the holder transfers it in payment of a precedent debt of [
619 his] the holder's own, or for a new consideration, and in connection with such transfer
620 enters into a promise respecting such instrument.

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

622 **25-5-7 . Contracts by telegraph deemed written.**

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

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

627 **29-1-1 . Fireproof safe for use of guests -- Limitation of liability.**

628 If an innkeeper, hotel keeper, boarding house keeper, or lodging house keeper
629 keeps on [his] the premises a fireproof safe or vault, and gives notice to [his] guests,
630 boarders or lodgers, by posting a copy of this section in a prominent or conspicuous
631 place in the office of the inn, hotel, boarding house or lodging house and in the rooms
632 occupied by the guests, boarders or lodgers, that [he] the keeper keeps for their use a
633 fireproof safe or vault and will not be liable for money, jewelry, documents or other
634 articles of unusual value and small compass, unless placed therein, [he] the keeper is not
635 liable, except so far as [his] the keeper's acts or the acts of [his] the keeper's employees
636 shall contribute thereto, for any loss of or injury to such articles, if not deposited with [
637 him] the keeper to be placed in such safe or vault, or in any case for more than the sum of
638 \$250 for any such property, unless [he] the keeper shall have given a receipt in writing
639 therefor to the guest, boarder or lodger, and the value of the article so placed with [him]
640 the keeper for safekeeping shall have been declared by such guest, boarder or lodger.

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

642 **34-19-8 . Injunctive relief -- Appeals.**

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

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

652 **34-19-11 . "Labor dispute" defined.**

- 653 (1) The words "labor dispute" as used in this chapter include any controversy concerning
 654 terms or conditions of employment, or concerning the association or representation of
 655 persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or
 656 conditions of employment, or concerning employment relations, or any other
 657 controversy arising out of the respective interests of employer and employee, regardless
 658 of whether or not the disputants stand in the proximate relation of employer and
 659 employee.
- 660 (2) A person or association shall be held to be a person participating or interested in a labor
 661 dispute if relief is sought against [~~him or it~~] the person or association and if [~~he or it~~] the
 662 person or association is engaged in the industry, trade, craft, or occupation in which such
 663 dispute occurs, or is a member, officer, or agent of any association of employers or
 664 employees engaged in such industry, trade, craft, or occupation.
- 665 (3) A case shall be held to involve or grow out of a labor dispute when the case involves
 666 persons who are engaged in a single industry, trade, craft, or occupation; or who are
 667 employees of one employer; or who are members of the same or an affiliated
 668 organization of employers or employees whether such dispute is:
- 669 (a) between one or more employers or associations of employers and one or more
 670 employees or associations of employees;
- 671 (b) between one or more employers or associations of employers and one or more
 672 employers or associations of employers; or
- 673 (c) between one or more employees or associations of employees and one or more
 674 employees or associations of employees; or when the case involves any conflicting or

675 competing interests in a labor dispute of persons participating or interested in it.

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

677 **34-20-1 . Declaration of policy.**

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

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

684 (2) Industrial peace, regular and adequate income for the employee, and uninterrupted
685 production of goods and services are promotive of all of these interests. They are largely
686 dependent upon the maintenance of fair, friendly, and mutually satisfactory employment
687 relations and the availability of suitable machinery for the peaceful adjustment of
688 whatever controversies may arise. It is recognized that certain employers, including
689 farmers and farmer cooperatives, in addition to their general employer problems, face
690 special problems arising from perishable commodities and seasonal production which
691 require adequate consideration. It is also recognized that whatever may be the rights of
692 disputants with respect to each other in any controversy regarding employment relations,
693 they should not be permitted in the conduct of their controversy to intrude directly into
694 the primary rights of third parties to earn a livelihood, transact business, and engage in
695 the ordinary affairs of life by any lawful means and free from molestation, interference,
696 restraint, or coercion.

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

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

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

707 **34-26-2 . Claim -- Notice.**

708 Any such employee, laborer or servant desiring to enforce [his] a claim for wages

709 under this chapter shall present a statement under oath to the officer, person or court
710 charged with such property within 10 days after the seizure of it on any process, or
711 within 30 days after the same may have been placed in the hands of any receiver,
712 assignee or trustee, showing the amount due after allowing all just credits and setoffs,
713 the kind of work for which such wages are due and when performed. Any person with
714 whom any such claim shall have been filed shall give immediate notice thereof by mail
715 to all persons interested, and, if the claim is not contested as provided in Section 34-26-3,
716 it shall be the duty of the person or the court receiving such statement to pay the amount
717 of such claim or claims to the person or persons entitled thereto, after first paying all
718 costs occasioned by the seizure of such property, out of the proceeds of the sale of the
719 property seized.

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

721 **34-26-3 . Claim -- Exceptions -- Contest.**

722 Any person interested may within 10 days after the notice of presentment of said
723 statement contest such claims, or any part of them, by filing exceptions to them
724 supported by affidavit with the officer or court having the custody of such property, and
725 thereupon the claimant shall be required to reduce [his] the claimant's claim to judgment
726 in some court having jurisdiction before any part thereof shall be paid. The person
727 contesting shall be made a party defendant in any such action and shall have the right to
728 contest such claim, and the prevailing party shall recover proper costs.

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

730 **34-27-1 . Reasonable amount -- Taxed as costs.**

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

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

740 **34-29-9 . Commission to be returned if employment not secured.**

741 It shall be unlawful for an employment agent to retain, directly or indirectly, any
742 money or other valuable consideration received for any information or assistance

743 described in Section 34-29-1, if the person for whom such information or assistance is
744 furnished fails through no neglect or fault of [his] the person's own to secure the
745 employment regarding which such information or assistance is furnished; and the money
746 or consideration shall be by the agent forthwith returned to the payer of the same upon
747 demand.

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

749 **34-29-19 . Deceptive or duplicate orders for employees -- Liability to applicants.**

750 Any person who places with an employment agent an order for more employees
751 than [he] the person placing the order actually desires, or who places with employment
752 agents duplicate orders for employees, or who permits a standing order for employees to
753 remain uncanceled at a time when [he] the person placing the order does not need such
754 employees, shall be liable to persons who, in good faith, accept and act upon
755 information furnished in good faith by employment agents under such excess, duplicate
756 or standing order for the amount actually expended in traveling from the location of such
757 employment agency to the place of such proposed employment and return.

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

759 **34-30-8 . Forty-hour work week -- Overtime at one and one-half regular rate.**

760 Forty hours shall constitute a working week on all works and undertakings carried
761 on by the state, county, or municipal governments, or by any officer of the state or of
762 any county or municipal government. Any persons, corporation, firm, contractor, agent,
763 manager, or foreman, who shall require or contract with any person to work upon such
764 works or undertakings longer than 40 hours in one week shall pay such employees at a
765 rate not less than one and one-half times the regular rate at which [he] the employee is
766 employed.

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

768 **34-33-1 . Unlawful for employer to charge employee medical examination fee.**

769 It shall be unlawful for any person, firm, corporation or partnership to charge any
770 person a medical fee for the physical examination of any applicant for employment with
771 such person, firm, corporation or partnership, or to deduct the cost of such physical
772 examination from the money earned by such employee or to make any charge for or to
773 deduct from the earnings of such employee any medical fee for any physical
774 examination upon the re-employment of any employee who may have discontinued such
775 employment, or who may have been discharged or [his] whose employment has otherwise
776 been terminated; nor shall any employer, as a condition of pre-employment,

777 employment, or continued employment, require any employee or person applying for
778 employment to submit to or obtain a physical examination, unless such employer shall
779 pay all costs of such physical examination.

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

781 **34-34-13 . Damages for denial or deprivation of continuation of employment.**

782 Any person who may be denied employment or be deprived of continuation of [his]
783 employment in violation of this chapter shall be entitled to recover from such employer
784 and from any other person, firm, corporation or association acting in concert with [him]
785 the employer by appropriate action in the courts of this state such damages as [he] the
786 person may have sustained by reason of such denial or deprivation of employment.

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

788 **38-2-1 . Lien on livestock -- For feed and care.**

789 Every [~~ranchman~~] rancher, farmer, agistor, herder of cattle, tavern keeper or livery
790 stable keeper to whom any domestic animals shall be entrusted for the purpose of
791 feeding, herding or pasturing shall have a lien upon such animals for the amount that
792 may be due [him] for such feeding, herding or pasturing, and is authorized to retain
793 possession of such animals until such amount is paid.

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

795 **38-2-2 . Liens of hotels and boardinghouse keepers.**

796 Every innkeeper, hotel keeper, boardinghouse keeper, or lodginghouse keeper
797 shall have a lien on the baggage and other property in and about such inn belonging to or
798 under control of [his] guests or boarders for the proper charges due [him] for their
799 accommodation, board and lodging, for money paid for or advanced to them, and for
800 such other extras as are furnished at their request. The innkeeper, hotel keeper,
801 boardinghouse keeper, or lodginghouse keeper may detain such baggage and other
802 property until the amount of such charge is paid, and the baggage and other property
803 shall not be exempt from attachment or execution until the hotel or boardinghouse
804 keeper's lien and the costs of enforcing it are satisfied.

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

806 **38-2-3.1 . Special lien on personal property for services rendered -- General lien**
807 **of dry cleaning establishments, laundries, and shoe repair shops.**

808 Every person who, while lawfully in possession of an article of personal property,
809 renders any service to the owner or owners thereof, by labor or skill performed upon
810 said personal property at the request or order of said owner, has a special lien thereon,

811 dependent on possession, for the compensation, if any, which is due to [him] the person
812 from the owner or owners for such service; and every laundry proprietor, person
813 conducting a laundry business, dry cleaning establishment, proprietor and person
814 conducting a dry cleaning establishment, shoe repair establishment proprietor and
815 person conducting a shoe repair establishment has a general lien, dependent on
816 possession, upon all personal property in [his] their hands belonging to a customer, for
817 the balance due [him] from such customer for laundry work, and for the balance due [
818 him] for dry cleaning work, and for the balance due [him] for shoe repair work; but
819 nothing in this section shall be construed to confer a lien in favor of a wholesale dry
820 cleaner on materials received from a dry cleaning establishment proprietor or a person
821 conducting a dry cleaning establishment. The terms "person" and "proprietor" as used in
822 this section shall include an individual, firm, partnership, association, corporation and
823 company.

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

825 **38-2-5 . Action for deficiency.**

826 Nothing in this chapter shall take away the right of action of the party to whom
827 such lien is given for [his] that party's charges, or for any residue thereof, after such sale
828 of the property.

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

830 **38-3-3 . Attachment in aid of lien.**

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

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

836 **38-7-3 . Parties or insurance carrier making payment liable for satisfaction of**
837 **lien -- Enforcement of lien.**

838 (1) Any person, firm or corporation, including an insurance carrier, making any payment to
839 a patient or to [his] the patient's attorney, heirs or legal representative as compensation
840 for the injuries and/or damages sustained, after the filing and, if applicable, receipt of
841 written notice of the lien, as aforesaid, and without paying the hospital asserting the lien
842 the amount of its lien or that portion of the lien which can be satisfied out of the money
843 due under any final judgment or contract of compromise or settlement, less payment of
844 the amount of any prior liens, shall be liable to the hospital for the amount that the

845 hospital was entitled to receive.

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

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

854 **40-1-2 . Discovery monument -- Notice of location -- Contents.**

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

- 858 (1) The name of the claim.
859 (2) The name of the locator or locators.
860 (3) The date of the location.
861 (4) If a lode claim, the number of linear feet claimed in length along the course of the vein
862 each way from the point of discovery, with the width claimed on each side of the center
863 of the vein, and the general course of the vein or lode as near as may be, and such a
864 description of the claim, located by reference to some natural object or permanent
865 monument, as will identify the claim.
866 (5) If a placer or mill site claim, the number of acres or superficial feet claimed, and such a
867 description of the claim or mill site, located by reference to some natural object or
868 permanent monument, as will identify the claim or mill site.

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

870 **40-1-12 . Damages for wrongful removal of ores.**

871 When damages are claimed for the extraction or selling of ore from any mine or
872 mining claim and the defendant, or those under whom [he] the defendant claims, holds,
873 under color of title adverse to the claims of the plaintiff, in good faith, then the
874 reasonable value of all labor bestowed or expenses incurred in necessary developing,
875 mining, transporting, concentrating, selling or preparing said ore, or its mineral content,
876 for market, must be allowed as an offset against such damages; provided, however, that
877 any person who, wrongfully entering upon any mine or mining claim and carrying away
878 ores therefrom, or wrongfully extracting and selling ores from any mine, having

879 knowledge of the existence of adverse claimants in any mine or mining claim, and
880 without notice to them, knowingly and willfully trespasses in or upon such mine or
881 mining claim and extracts or sells ore therefrom shall be liable to the owners of such ore
882 for three times the value thereof without any deductions either for labor bestowed or
883 expenses incurred in removing, transporting, selling or preparing said ore, or its mineral
884 content for market.

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

886 **41-4-2 . Threat to discontinue sales to retail seller prima facie evidence of**
887 **violation.**

888 Any threat, expressed or implied, made directly or indirectly to any person engaged
889 in the business of selling motor vehicles at retail in this state by any person engaged,
890 either directly or indirectly, in the manufacture or distribution of motor vehicles, that
891 such person will discontinue or cease to sell, or refuse to enter into a contract to sell, or
892 will terminate a contract to sell motor vehicles, whether patented or unpatented, to such
893 person who is so engaged in the business of selling motor vehicles at retail, unless such
894 person finances the purchase or sale of any one or number of motor vehicles only with
895 or through a designated person or class of persons or sells and assigns the conditional
896 sales contracts, chattel mortgages or leases arising from [~~his~~] the retail sales of motor
897 vehicles or any one or number thereof only to a designated person or class of persons
898 shall be prima facie evidence of the fact that such person so engaged in the manufacture
899 or distribution of motor vehicles has sold or intends to sell the same on the condition or
900 with the agreement or understanding prohibited in Section 41-4-1.

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

902 **41-4-3 . Threat to discontinue sales to person engaged in business of financing**
903 **who is affiliated with manufacturer or distributor.**

904 Any threat, expressed or implied, made directly or indirectly, to any person engaged
905 in the business of selling motor vehicles at retail in this state by any person, or any agent
906 of any such person, who is engaged in the business of financing the purchase or sale of
907 motor vehicles or of buying conditional sales contracts, chattel mortgages or leases on
908 motor vehicles in this state and is affiliated with or controlled by any person engaged,
909 directly or indirectly, in the manufacture or distribution of motor vehicles, that such
910 person so engaged in such manufacture or distribution shall terminate [~~his~~] a contract
911 with or cease to sell motor vehicles to such person engaged in the sale of motor vehicles
912 at retail in this state unless such person finances the purchase or sale of any one or

913 number of motor vehicles only or through a designated person or class of persons or
914 sells and assigns the conditional sales contracts, chattel mortgages, or leases arising from [
915 his] the retail sale of motor vehicles or any one or any number thereof only to such
916 person so engaged in financing the purchase or sale of motor vehicles or in buying
917 conditional sales contracts, chattel mortgages or leases on motor vehicles, shall be
918 presumed to be made at the direction of and with the authority of such person so
919 engaged in such manufacture or distribution of motor vehicles, and shall be prima facie
920 evidence of the fact that such person so engaged in the manufacture or distribution of
921 motor vehicles has sold or intends to sell the same on the condition or with the
922 agreement or understanding prohibited in Section 41-4-1.

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

924 **41-4-12 . Actions for damages.**

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

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

937 **41-19-1 . Powers and duties of governor.**

938 The governor, in addition to other duties and responsibilities conferred upon [him]
939 the governor by the Constitution and laws of the state of Utah is hereby empowered to
940 contract and to do all other things necessary in behalf of the state to secure the full
941 benefits available to this state under the federal Highway Safety Act of 1966, and any
942 amendments thereto, and in so doing, to cooperate with the federal and state agencies,
943 agencies private and public, interested organizations, and with individuals, to effectuate
944 the purposes of that enactment, and any and all subsequent amendments thereto. The
945 governor shall be the official having the ultimate responsibility for dealing with the
946 United States Government with respect to programs and activities pursuant to the federal

947 Highway Safety Act of 1966, and any amendments thereto. To that end [he] the governor
948 shall be responsible for activities of any and all departments and agencies of this state
949 and its subdivisions, relating thereto. [He] The governor may designate an appropriate
950 person, commission or board to assist [him] the governor in coordinating the activities
951 and programs contemplated under this section.

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

953 **42-1-1 . By petition to district court -- Contents.**

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

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

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

962 **43-1-2 . Transfer -- By delivery -- By endorsement -- Rights of transferee.**

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

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

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

981 without notice as aforesaid.

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

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

988 **47-1-2 . Injunction -- Notice to owner of premises.**

989 Whenever a nuisance as defined in this chapter is kept or maintained, or exists, the
990 county attorney or any citizen of the county may maintain an action in equity in the
991 name of the state of Utah, upon the relation of such county attorney or citizen, to
992 perpetually enjoin such nuisance, the person or persons conducting or maintaining the
993 same and the owner or agent of the building or ground upon which it exists; provided,
994 that when the owner or agent is not in the actual possession of the premises [he] the
995 owner or agent shall have, before an action is brought under this chapter against [him]
996 the owner or agent or affecting [his] the owner's or agent's real estate, notice in writing of
997 the existence and nature of the nuisance, and [he] the owner or agent shall have a
998 reasonable time after service of such notice in which to abate the nuisance. In such
999 action the court, or a judge thereof, shall upon the presentation of a complaint therefor
1000 alleging that the nuisance complained of exists, allow a temporary writ of injunction
1001 without bond, if it shall be made to appear to the satisfaction of the court or judge that
1002 such nuisance exists, by evidence in the form of affidavits, depositions, oral testimony or
1003 otherwise, as the complainant may elect, unless the court or judge, by previous order,
1004 shall have directed the form and manner in which it shall be presented. Three days'
1005 notice in writing shall be given the defendant of the hearing of the application, and if
1006 then continued at [his] the defendant's instance, the writ as prayed for shall be granted as
1007 a matter of course. When an injunction has been granted it shall be binding on the
1008 defendant throughout the judicial district in which it was issued, and any violation of the
1009 provisions of the injunction herein provided for shall be a contempt as hereinafter
1010 provided.

1011 Section 79. Section **47-1-3** is amended to read:

1012 **47-1-3 . Evidence -- Dismissal of action -- Costs.**

1013 In such action evidence of the general reputation of the place shall be admissible
1014 for the purpose of proving the existence of the nuisance. If the complaint is filed by a

1015 citizen, it shall not be dismissed except upon a sworn statement made by the relator and [
1016 his] the relator's attorney setting forth the reasons why the action should be dismissed,
1017 and the dismissal approved by the county attorney in writing or in open court. If the
1018 court is of the opinion that the action ought not to be dismissed, it may direct the county
1019 attorney to prosecute the action to judgment, and, if the action is continued for more
1020 than one term of court, any citizen of the county or the county attorney may be
1021 substituted for the relator and prosecute the action to judgment. If the action is brought
1022 by a citizen and the court finds there was no reasonable ground or cause therefor, the
1023 costs may be taxed to such citizen.

1024 Section 80. Section **47-1-7** is amended to read:

1025 **47-1-7 . Bond to secure abatement -- Procedure.**

1026 If the owner appears and pays all costs of the proceeding and files a bond, with
1027 sureties to be approved by the clerk, in the full value of the property, to be ascertained
1028 by the court, or in vacation by the clerk, auditor and treasurer of the county, conditioned
1029 that [he] the owner will immediately abate the nuisance and prevent the same from being
1030 established or kept therein within a period of one year thereafter, the court or the judge
1031 may, if satisfied of [his] the owner's good faith, order the premises that have been closed
1032 under the order of abatement to be delivered to the owner, and the order of abatement
1033 may be canceled so far as the same may relate to said property; and, if the proceeding is
1034 an action in equity and such bond is given and costs therein paid before judgment and
1035 order of abatement, the action shall be thereby abated as to the building only. The
1036 release of the property under the provisions of this section shall not release it from any
1037 judgment, lien, penalty or liability to which it may be subject by law.

1038 Section 81. Section **52-1-8** is amended to read:

1039 **52-1-8 . Official bonds -- Actions on -- Parties.**

1040 When a public officer by official misconduct or neglect of duty shall forfeit [his]
1041 the officer's official bond or render [his] the officer's sureties liable thereon, any person
1042 injured by such misconduct or neglect, or who is by law entitled to the benefit of the
1043 security, may maintain an action thereon in [his] the injured party's own name against the
1044 officer and [his] the officer's sureties to recover the amount to which [he] the injured party
1045 may by reason thereof be entitled.

1046 Section 82. Section **52-1-11** is amended to read:

1047 **52-1-11 . Bonds to cover special penalties and liabilities.**

1048 Whenever, except in criminal prosecutions, any special penalty, forfeiture or

1049 liability is imposed upon any officer for nonperformance or malperformance of [his] the
1050 officer's official duties, the liability therefor attaches to the official bond of such officer.

1051 Section 83. Section **54-4-20** is amended to read:

1052 **54-4-20 . Consumer may have meter tested upon paying fee.**

1053 Any consumer or user of any product, commodity or service of a public utility
1054 may have any appliance used in the measurement thereof tested, upon paying the fees
1055 fixed by the commission. The commission shall establish and fix reasonable fees to be
1056 paid for testing such appliances on the request of the consumer or user; the fee to be paid
1057 by the consumer or user at the time of [his] the consumer's or user's request, but to be
1058 paid by the public utility and repaid to the consumer or user under such rules and
1059 regulations as may be prescribed by the commission, if the appliance is found defective
1060 or incorrect to the disadvantage of the consumer or user.

1061 Section 84. Section **54-7-7** is amended to read:

1062 **54-7-7 . Books and records of utilities subject to inspection.**

1063 The commission, each commissioner and each officer and person employed by the
1064 commission shall have the right at any and all times to inspect the accounts, books,
1065 papers and documents of any public utility, and the commission, each commissioner and
1066 any officer of the commission or any employee authorized to administer oaths shall have
1067 power to examine under oath any officer, agent or employee of any public utility in
1068 relation to the business and affairs of said public utility; provided, that any person other
1069 than a commissioner or an officer of the commission demanding such inspection shall
1070 produce under the hand and seal of the commission [his] that person's authority to make
1071 such inspection; and provided further, that written record of the testimony or statement
1072 so given under oath shall be made and filed with the commission.

1073 Section 85. Section **54-8-12** is amended to read:

1074 **54-8-12 . Property owners failing to appear at hearings -- Waiver of rights.**

1075 Every person who has real property within the boundaries of the district and who
1076 fails to appear before the governing body at the hearing and make any objection [he] the
1077 property owner may have to the creation of the district, the making of the improvements
1078 and the inclusion of [his] the owner's real property in the district, shall be deemed to have
1079 waived every such objection. Such waiver shall not, however, preclude [his] the property
1080 owner's right to object to the amount of the assessment at the hearing for which
1081 provision is made in Section 54-8-17.

1082 Section 86. Section **56-1-19** is amended to read:

1083 **56-1-19 . Right to eject passenger.**

1084 If any passenger refuses to pay [~~his~~] the fare or exhibit or surrender [~~his~~] a ticket
1085 when requested so to do, or if [~~he~~] the passenger behaves in a disorderly manner, the
1086 conductor and employees of a railroad company may, on stopping the train, put [~~him~~] the
1087 passenger and [~~his~~] the passenger's baggage out of the cars, using no unnecessary force,
1088 at any usual stopping place or in sight of a dwelling.

1089 Section 87. Section **56-1-20** is amended to read:

1090 **56-1-20 . Operating employees to wear insignia.**

1091 Every conductor, baggage master, engineer, brakeman or other employee of a
1092 railroad company, employed in a passenger train or at the stations for passengers, shall
1093 wear upon [~~his~~] the employee's hat or cap or in some conspicuous place on the breast of [
1094 ~~his~~] the employee's coat a badge indicating [~~his~~] the employee's office or station, and, by
1095 its initial letters, the name of the company by which [~~he~~] the employee is employed; and
1096 no collector or conductor without such badge shall demand or be entitled to receive from
1097 any passenger any fare or ticket or exercise any of the powers of [~~his~~] the collector's or
1098 conductor's office or station or interfere with any passenger or [~~his~~] the passenger's
1099 property.

1100 Section 88. Section **57-1-4** is amended to read:

1101 **57-1-4 . Attempted conveyance of more than grantor owns -- Effect.**

1102 A conveyance made by an owner of an estate for life or years, purporting to
1103 convey a greater estate than [~~he~~] the owner could lawfully transfer, does not work a
1104 forfeiture of [~~his~~] the estate, but passes to the grantee all the estate which the grantor
1105 could lawfully transfer.

1106 Section 89. Section **57-1-11** is amended to read:

1107 **57-1-11 . Claimant out of possession may convey.**

1108 Any person claiming title to any real estate may, notwithstanding there may be an
1109 adverse possession thereof, sell and convey [~~his~~] the claimant's interest therein in the
1110 same manner and with the same effect as if [~~he~~] the claimant were in the actual
1111 possession thereof.

1112 Section 90. Section **57-2-12** is amended to read:

1113 **57-2-12 . Certificate of proof by subscribing witness.**

1114 No certificate of such proof shall be made unless such subscribing witness shall
1115 prove that the person whose name is subscribed thereto as a party is the person described
1116 in, and who executed, the same; that such person executed the conveyance, and that such

1117 person [~~subscribed his name~~] signed thereto as a witness thereof at the request of the
1118 maker of such instrument.

1119 Section 91. Section **57-2-15** is amended to read:

1120 **57-2-15 . Evidence required for certificate of proof.**

1121 No certificate of any such proof shall be made unless a competent and credible
1122 witness shall state on oath or affirmation that [~~he~~] the competent and credible witness
1123 personally knew the person whose name is subscribed thereto as a party, well knows [~~his~~]
1124 the subscribing party's signature, stating [~~his~~] the competent and credible witness's means
1125 of knowledge, and believes the name of the party subscribed thereto as a party was
1126 subscribed by such person; nor unless a competent and credible witness shall in like
1127 manner state that [~~he~~] the competent and credible witness personally knew the person
1128 whose name is subscribed to such conveyance as a witness, well knows [~~his~~] the
1129 subscribing witness's signature, stating [~~his~~] the competent and credible witness's means
1130 of knowledge, and believes the name subscribed thereto as a witness was thereto
1131 subscribed by such person.

1132 Section 92. Section **57-2-16** is amended to read:

1133 **57-2-16 . Subpoena to subscribing witness.**

1134 Upon the application of any grantee in any conveyance required by law to be
1135 recorded, or of any person claiming under such grantee, verified under the oath of the
1136 applicant, that any witness to such conveyance residing in the county where such
1137 application is made refuses to appear and testify touching the execution thereof, and that
1138 such conveyance cannot be proved without [~~his~~] the subscribing witness's evidence, any
1139 officer authorized to take the acknowledgment or proof of such conveyance may issue a
1140 subpoena requiring such witness to appear before such officer and testify touching the
1141 execution thereof.

1142 Section 93. Section **57-2-17** is amended to read:

1143 **57-2-17 . Disobedience of subpoenaed witness -- Contempt -- Proof aliunde.**

1144 Every person who, being served with a subpoena, shall without reasonable cause
1145 refuse or neglect to appear, or, appearing, shall refuse to answer upon oath touching the
1146 matters aforesaid, shall be liable to the party injured for such damages as may be
1147 sustained by [~~him~~] the injured party on account of such neglect or refusal, and may also
1148 be dealt with for contempt as provided by law; but no person shall be required to attend
1149 who resides out of the county in which the proof is to be taken, nor unless [~~his~~] the
1150 subscribing witness's reasonable expenses shall have first been tendered to [~~him~~] the

1151 subscribing witness; provided, that if it shall appear to the satisfaction of the officer so
1152 authorized to take such acknowledgment that such subscribing witness purposely [
1153 ~~conceals himself~~] hides, or keeps out of the way, so that [~~he~~] the subscribing witness
1154 cannot be served with a subpoena or taken on attachment after the use of due diligence
1155 to that end, or in case of [~~his~~] the subscribing witness's continued failure or refusal to
1156 testify for the space of one hour after [~~his~~] the subscribing witness's appearance shall
1157 have been compelled by process, then said conveyance or other instrument may be
1158 proved and admitted to record in the same manner as if such subscribing witness thereto
1159 were dead.

1160 Section 94. Section **57-6-2** is amended to read:

1161 **57-6-2 . Claimant to commence action -- Complaint -- Trial of issues.**

1162 Such complaint must set forth the grounds on which the defendant seeks relief,
1163 stating as accurately as practicable the value of the real estate, exclusive of the
1164 improvements thereon made by the claimant or [~~his~~] the claimant's grantors, and the
1165 value of such improvements. The issues joined thereon must be tried as in law actions,
1166 and the value of the real estate and of such improvements must be separately ascertained
1167 on the trial.

1168 Section 95. Section **57-6-3** is amended to read:

1169 **57-6-3 . Rights of parties -- Acquiring other's interest or holding as tenants in**
1170 **common.**

1171 The plaintiff in the main action may thereupon pay the appraised value of the
1172 improvements and take the property, but should [~~he~~] the plaintiff fail to do so after a
1173 reasonable time, to be fixed by the court, the defendant may take the property upon
1174 paying its value, exclusive of the improvements. If this is not done within a reasonable
1175 time, to be fixed by the court, the parties will be held to be tenants in common of all the
1176 real estate, including the improvements, each holding an interest proportionate to the
1177 values ascertained on the trial.

1178 Section 96. Section **57-6-7** is amended to read:

1179 **57-6-7 . When execution on judgment of possession may issue.**

1180 The plaintiff in the main action is entitled to an execution to put [~~him~~] the plaintiff
1181 in possession of [~~his~~] the plaintiff's property in accordance with the provisions of this
1182 chapter, but not otherwise.

1183 Section 97. Section **57-6-8** is amended to read:

1184 **57-6-8 . Improvements made by occupants of land granted to state.**

1185 Any person having improvements on any real estate granted to the state in aid of
1186 any work of internal improvement, whose title thereto is questioned by another, may
1187 remove such improvements without injury otherwise to such real estate, at any time
1188 before [he] the person is evicted therefrom, or [he] the person may claim and have the
1189 benefit of this chapter by proceeding as herein directed.

1190 Section 98. Section **57-8-19** is amended to read:

1191 **57-8-19 . Liens against units -- Removal from lien -- Effect of part payment.**

- 1192 (1) Subsequent to recording the declaration as provided in this act, and while the property
1193 remains subject to this act, no lien shall thereafter arise or be effective against the
1194 property. During such period liens or encumbrances shall arise or be created only against
1195 each unit and the percentage of undivided interest in the common areas and facilities
1196 appurtenant to such unit in the same manner and under the same conditions in every
1197 respect as liens or encumbrances may arise or be created upon or against any other
1198 separate parcel of real property subject to individual ownership; provided that no labor
1199 performed or materials furnished with the consent or at the request of a unit owner or [his]
1200 the unit owner's agent or [his] the unit owner's contractor or subcontractor shall be the
1201 basis for the filing of a lien pursuant to the lien law against the unit of any other unit
1202 owner not expressly consenting to or requesting the same, except that such express
1203 consent shall be deemed to be given by the owner of any unit in the case of emergency
1204 repairs. Labor performed or materials furnished for the common areas and facilities, if
1205 authorized by the unit owners, the manager or management committee in accordance
1206 with this act, the declaration or bylaws or the house rules, shall be deemed to be
1207 performed or furnished with the express consent of each unit owner and shall be the
1208 basis for the filing of a lien pursuant to the lien law against each of the units.
- 1209 (2) In the event a lien against two or more units becomes effective, the unit owners of the
1210 separate units may remove their units and the percentage of undivided interest in the
1211 common areas and facilities appurtenant to such units from the lien by payment of the
1212 fractional or proportional amount attributable to each of the units affected. Such
1213 individual payment shall be computed by reference to the percentages appearing in the
1214 declaration. Subsequent to any payment, discharge or other satisfaction, the unit and the
1215 percentage of undivided interest in the common areas and facilities appurtenant thereto
1216 shall be free and clear of the lien so paid, satisfied or discharged. Partial payment,
1217 satisfaction or discharge shall not prevent the lienor from proceeding to enforce [his] the
1218 lienor's rights against any unit and the percentage of undivided interest in the common

1219 areas and facilities appurtenant thereto not so paid, satisfied or discharged.

1220 Section 99. Section **57-8-25** is amended to read:

1221 **57-8-25 . Joint and several liability of grantor and grantee for unpaid common**
1222 **expenses.**

1223 In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable
1224 with the grantor for all unpaid assessments against the latter for [his] the grantor's share
1225 of the common expenses up to the time of the grant or conveyance, without prejudice to
1226 the grantee's rights to recover from the grantor the amounts paid by the grantee.

1227 However, any such grantee shall be entitled to a statement from the manager or
1228 management committee setting forth the amounts of the unpaid assessments against the
1229 grantor, and such grantee shall not be liable for, nor shall the unit conveyed be subject to
1230 a lien for, any unpaid assessments against the grantor in excess of the amount set forth.

1231 Section 100. Section **57-8-26** is amended to read:

1232 **57-8-26 . Waiver of use of common areas and facilities -- Abandonment of unit.**

1233 No unit owner may be exempt [himself] from liability for [his] the unit owner's
1234 contribution towards the common expenses by waiver of the use or enjoyment of any of
1235 the common areas and facilities or by abandonment of [his] the owner's unit.

1236 Section 101. Section **57-9-4** is amended to read:

1237 **57-9-4 . Filing of notice of claim of interest authorized -- Effect of possession of**
1238 **land by record owner of possessory interest.**

1239 (1) Any person claiming an interest in land may preserve and keep effective such interest
1240 by filing for record during the forty-year period immediately following the effective date
1241 of the root of title of the person whose record title would otherwise be marketable, a
1242 notice in writing, duly verified by oath, setting forth the nature of the claim. No
1243 disability or lack of knowledge of any kind on the part of anyone shall suspend the
1244 running of the forty-year period. The notice may be filed for record by the claimant or
1245 by any other person acting in behalf of any claimant who is:

1246 (a) under a disability[;] ;

1247 (b) unable to assert a claim on [~~his own~~] the claimant's own behalf[;] ; or

1248 (c) one of a class, but whose identity cannot be established or is uncertain at the time of
1249 filing the notice of claim for record.

1250 (2) If the same record owner of any possessory interest in land has been in possession of
1251 such land continuously for a period of 40 years or more, during which period no title
1252 transaction with respect to such interest appears of record in [his] the record owner's

1253 chain of title, and no notice has been filed by [him] the record owner or on [his] the
 1254 record owner's behalf as provided in Subsection (1), and such possession continues to
 1255 the time when marketability is being determined, such period of possession shall be
 1256 deemed equivalent to the filing of the notice immediately preceding the termination of
 1257 the forty-year period described in Subsection (1).

1258 Section 102. Section **57-9-8** is amended to read:

1259 **57-9-8 . Definitions.**

1260 As used in this act:

- 1261 (1) The words "marketable record title" mean a title of record as indicated in Section 57-9-1,
 1262 which operates to extinguish such interests and claims, existing prior to the effective
 1263 date of the root of title, as are stated in Section 57-9-3.
- 1264 (2) The word "records" includes probate and other official public records, as well as records
 1265 in the registry of deeds.
- 1266 (3) The word "recording," when applied to the official public records of a probate or other
 1267 court, includes filing.
- 1268 (4) The words "person dealing with land" include a purchaser of any estate or interest
 1269 therein, a mortgagee, a levying or attaching creditor, a land contract vendee, or any other
 1270 person seeking to acquire an estate or interest therein, or impose a lien thereon.
- 1271 (5) The words "root of title" mean that conveyance or other title transaction in the chain of
 1272 title of a person, purporting to create the interest claimed by such person, upon which [he]
 1273 such person relies as a basis for the marketability of [his] that person's title, and which
 1274 was the most recent to be recorded as of a date 40 years prior to the time when
 1275 marketability is being determined. The effective date of the "root of title" is the date on
 1276 which it is recorded.
- 1277 (6) The words "title transaction" mean any transaction affecting title to any interest in land,
 1278 including title by will or descent, title by tax deed, or by trustee's, referee's, guardian's,
 1279 executor's, administrator's, master in chancery's, or sheriff's deed, or decree of any court,
 1280 as well as warranty deed, quitclaim deed, or mortgage.

1281 Section 103. Section **67-1-4** is amended to read:

1282 **67-1-4 . Records to be kept.**

1283 The governor must cause to be kept the following records:

- 1284 (1) An account of all [his] the governor's official expenses and disbursements, including the
 1285 incidental expenses of [his] the governor's department, and an account of all rewards
 1286 offered by [him] the governor for the apprehension of criminals and persons charged

1287 with crime.

1288 (2) A register of all appointments made by [~~him~~] the governor, with dates of commissions
1289 and names of appointees and predecessors.

1290 Section 104. Section **67-1-6** is amended to read:

1291 **67-1-6 . Acting governor -- Powers and duties.**

1292 Every provision of law relating to the powers and duties of the governor, and
1293 relating to acts and duties to be performed by others toward [~~him~~] the governor, extends
1294 to the person performing, for the time being, the duties of governor.

1295 Section 105. Section **67-3-2** is amended to read:

1296 **67-3-2 . Right to compel accounting by, and state accounts with, all collectors of**
1297 **state money -- Escheats.**

1298 Whenever any person has received money, or has money or other personal property
1299 which belongs to the state by escheat or otherwise, or has been entrusted with the
1300 collection, management or disbursement of any money, bonds, or interest accruing
1301 thereon, belonging to or held in trust by the state, and fails to render an account thereof
1302 to and make settlement with the state auditor within the time prescribed by law, or, when
1303 no particular time is specified, fails to render such account and make settlement, or who
1304 fails to pay into the state treasury any money belonging to the state, upon being required
1305 so to do by the state auditor, within 20 days after such requisition, the state auditor must
1306 state an account with such person, charging 25% damages, and interest at the rate of
1307 10% per annum from the time of failure; a copy of such account in any suit thereon shall
1308 be prima facie evidence of the things therein stated. In case the state auditor cannot, for
1309 want of information, state such an account, [~~he~~] the state auditor may in any action
1310 brought by [~~him~~] the state auditor aver the fact, and allege generally the amount of
1311 money or other property which is due to or which belongs to the state.

1312 Section 106. Section **67-4-15** is amended to read:

1313 **67-4-15 . Insurance protection for funds, warrants and securities.**

1314 The state treasurer shall procure such insurance protecting the funds, warrants and
1315 securities in [~~his~~] the state treasurer's custody against loss from such causes and in such
1316 amounts as the Commission of Finance may from time to time determine. The cost of
1317 such insurance shall be paid out of the fund for the protection of which it is carried.

1318 Section 107. Section **67-9-2** is amended to read:

1319 **67-9-2 . Official bonds.**

1320 Where a deputy of any state officer is required to give a bond to the state [~~he~~] , the

1321 deputy shall give a surety-company bond, and the premium therefor shall be paid by the
1322 state.

1323 Section 108. Section **67-16-9** is amended to read:

1324 **67-16-9 . Conflict of interests prohibited.**

1325 No public officer or public employee shall have personal investments in any
1326 business entity which will create a substantial conflict between [his] the public officer's
1327 or public employee's private interests and [his] the public officer's or public employee's
1328 public duties.

1329 Section 109. Section **69-1-4** is amended to read:

1330 **69-1-4 . Transmitting certified instruments -- Burden of proof.**

1331 Except as hereinbefore otherwise provided, any instrument in writing[;] that is duly
1332 certified under [~~his hand and official seal by a notary public,;~~] the hand of the
1333 commissioner of deeds or clerk of a court of record to be genuine to the personal
1334 knowledge of such officer and that is certified under official seal by a notary public,
1335 may, together with such certificate, be sent by telegraph or telephone. The telegraphic or
1336 telephonic copy thereof shall, prima facie only, have the same force, effect and validity
1337 in all respects as the original, and the burden of proof shall be on the party denying the
1338 genuineness or due execution of the original.

1339 Section 110. Section **73-1-9** is amended to read:

1340 **73-1-9 . Contribution between joint owners of ditch or reservoir.**

1341 When two or more persons are associated in the use of any dam, canal, reservoir,
1342 ditch, lateral, flume or other means for conserving or conveying water for the irrigation
1343 of land or for other purposes, each of them shall be liable to the other for the reasonable
1344 expenses of maintaining, operating and controlling the same, in proportion to the share
1345 in the use or ownership of the water to which [he] the person is entitled.

1346 Section 111. Section **73-1-12** is amended to read:

1347 **73-1-12 . Failure to record -- Effect.**

1348 Every deed of a water right which shall not be recorded as provided in this title
1349 shall be void as against any subsequent purchaser, in good faith and for a valuable
1350 consideration, of the same water right, or any portion thereof, where [~~his own~~] the
1351 subsequent purchaser's deed shall be first duly recorded.

1352 Section 112. Section **73-2-1.2** is amended to read:

1353 **73-2-1.2 . Director of Division of Water Rights -- Appointment of state engineer.**

1354 The Division of Water Rights shall be administered by the state engineer who

1355 shall act as the director of the Division of Water Rights and who shall be appointed as
1356 provided by Section 73-2-1. Nothing contained in this act shall modify, repeal or impair
1357 the powers or duties of the state engineer relating to the administration, appropriation,
1358 adjudication and distribution of the waters of the state of Utah as are conferred upon [him]
1359 the state engineer pursuant to Title 73, Water and Irrigation, or the provisions of any
1360 other laws.

1361 Section 113. Section **73-2-1.3** is amended to read:

1362 **73-2-1.3 . Report to executive director of natural resources.**

1363 The state engineer shall report to the executive director of natural resources at
1364 such times and on such administrative matters concerning [his] the state engineer's office
1365 as the executive director may require.

1366 Section 114. Section **73-2-11** is amended to read:

1367 **73-2-11 . Records -- Certified copies -- Evidence.**

1368 [He] The state engineer shall keep on file in [his] the state engineer's office full and
1369 proper records of [his] the state engineer's work, including all field notes, computations
1370 and facts made or collected by [him] the state engineer, all of which shall be part of the
1371 records of [his] the state engineer's office and the property of the state. All records, maps
1372 and papers recorded or filed in the office of the state engineer shall be open to the public
1373 during business hours. The office of the state engineer is hereby declared to be an office
1374 of public record, and none of the files, records or documents shall be removed
1375 therefrom, except in the custody of the state engineer or one of [his] the state engineer's
1376 deputies. Certified copies of any record or document shall be furnished by the state
1377 engineer on demand, upon payment of the reasonable cost of making the same, together
1378 with the legal fee for certification. Such copies shall be competent evidence, and shall
1379 have the same force and effect as the originals.

1380 Section 115. Section **73-3-11** is amended to read:

1381 **73-3-11 . Statement of financial ability of applicants.**

1382 Before either approving or rejecting an application the state engineer may require
1383 such additional information as will enable [him] the state engineer properly to guard the
1384 public interests, and may require a statement of the following facts: In case of an
1385 incorporated company, [he] the state engineer may require the submission of the articles
1386 of incorporation, the names and places of residence of its directors and officers, and the
1387 amount of its authorized and its paid-up capital. If the applicant is not a corporation, [he]
1388 the state engineer may require a showing as to the names of the persons proposing to

1389 make the appropriation and a showing of facts necessary to enable [~~him~~] the state
1390 engineer to determine whether or not they are qualified appropriators and have the
1391 financial ability to carry out the proposed work, and whether or not the application has
1392 been made in good faith.

1393 Section 116. Section **73-3-19** is amended to read:

1394 **73-3-19 . Right of entry on private property -- By applicant -- Bond -- Priority.**

1395 Whenever any applicant for the use of water from any stream or water source
1396 must necessarily enter upon private property in order to make a survey to secure the
1397 required information for making a water filing and is refused by the owner or possessor
1398 of such property such right of entry, [~~he~~] the applicant may petition the district court for
1399 an order granting such right, and after notice and hearing, such court may grant such
1400 permission, on security being given to pay all damage caused thereby to the owner of
1401 such property. In such case the priority of such application shall date from the filing of
1402 such petition with the district court as aforesaid.

1403 Section 117. Section **73-4-2** is amended to read:

1404 **73-4-2 . Interstate streams.**

1405 For the purpose of co-operating with the state engineers of adjoining states in the
1406 determination and administration of rights to interstate waters and for such other
1407 purposes as [~~he~~] the state engineer may deem expedient, the state engineer, with the
1408 approval of the executive director and the governor, is authorized to initiate and to join
1409 in suits for the adjudication of such rights in the federal courts and in the courts of other
1410 states without requiring a petition of water users as provided by Section 73-4-1. The
1411 state engineer, with the approval of the executive director and the governor, may also
1412 commence, prosecute and defend suits to adjudicate interstate waters on behalf of this
1413 state or its citizens in the courts of other states, in federal courts, and in the Supreme
1414 Court of the United States.

1415 Section 118. Section **73-4-23** is amended to read:

1416 **73-4-23 . Effective date of amendatory act -- Application to pending suits -- State**
1417 **engineer's certificate.**

1418 This act shall be effective 60 days from its enactment and shall apply to all suits now
1419 pending under Title 73, Chapter 4, Determination of Water Rights, Utah Code
1420 Annotated 1953, except those proceedings under which the state engineer has by the
1421 effective date hereof completed [~~his~~] the state engineer's survey, and it is expressly
1422 provided that those actions where the state engineer has by the effective date of this act

1423 completed [his] the state engineer's survey may proceed to completion under the
1424 procedure prescribed by the statutes heretofore existing. The state engineer shall within
1425 10 days after the effective date of this act file with the clerk of the court in each action
1426 then pending under Title 73, Chapter 4, Determination of Water Rights, Utah Code
1427 Annotated 1953, a certificate under the seal of [his] the state engineer's office stating
1428 whether or not [he] the state engineer has completed the survey so that all persons will
1429 have notice and can know whether or not this act is applicable to such existing suit.

1430 Section 119. **Effective date.**

1431 This bill takes effect on May 1, 2024.