

**Rule 4-202.08. Fees for records, information, and services.****Intent:**

To establish uniform fees for requests for records, information, and services.

**Applicability:**

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

**Statement of the Rule:**

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

~~(3)(B) microfiche: \$1.00 per card;~~

~~(3)(C) audio tape: \$10.00 per tape;~~

~~(3)(D) video tape: \$15.00 per tape;~~

(3)(~~B~~E) electronic storage medium other than of court hearings: \$15.00 per unit;

(3)(~~C~~F) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(~~D~~G) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; and

(3)(~~EH~~) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4)(~~A~~) **Mailing.** The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(~~54~~)(~~B~~) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(~~65~~) **Personnel time.**

(6)(A) Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time, unless the person who submits the request:

(6)(A)(i) is not a Utah media representative; and

(6)(A)(ii) has submitted a separate records request within the 10-day period immediately prior to the date of the request to which the court or office is responding.

(6)(B) The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

(~~65~~)(~~BA~~)(i) clerical assistant: \$15.00 per hour;

(~~65~~)(B)(ii) technician: \$22.00 per hour;

(~~65~~)(~~BC~~)(iii) senior clerical: \$21.00 per hour

(~~65~~)(~~BD~~)(iv) programmer/analyst: \$32.00 per hour;

(~~65~~)(~~BE~~)(v) manager: \$37.00 per hour; and

(~~65~~)(~~BF~~)(vi) consultant: actual cost as billed by the consultant.

(~~76~~) **Public online services.**

(~~76~~)(A) The fee to subscribe to Xchange shall be as follows:

(~~76~~)(A)(i) a set-up fee of \$25.00;

(76)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar month; and

(76)(A)(iii) \$.15 for each search over 500 during a billing cycle. A search is counted each time the search button is clicked.

(76)(B) When non-subscription access becomes available, the fee to access public online services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(76)(C) The fee to access a document shall be \$.50 per document.

(87) **No interference.** Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(98) **Waiver of fees.**

(98)(A) Subject to (9)(B), fFees established by this rule, other than fees for public online services, shall be waived for:

(98)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

(98)(A)(ii) any person who is the subject of the record and who is impecuniousindigent; and

(98)(A)(iii) a student engaged in research for an academic purpose.

(9)(B) Individuals who qualify for a fee waiver under (9)(A)(ii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit under this rule for good cause.

(98)(CB) Fees for public online services shall be waived for:

(98)(CB)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(98)(CB)(ii) any government entity of Utah or its political subdivisions;

(98)(CB)(iii) the Utah State Bar;

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131 | (~~98~~)(~~C~~B)(iv) public defenders for searches performed in connection with their  
132 | duties as public defenders; and

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134 | (~~98~~)(~~C~~B)(v) any person or organization who the XChange administrator  
135 | determines offers significant legal services to a substantial portion of the public at  
136 | no charge.

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