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**UTAH CODE
ANNOTATED**

1953

**VOLUME 2A
1986 REPLACEMENT**

Title 8 to Title 15

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PREFACE

This 1986 replacement volume was necessitated by the enactment of a new and amendatory legislation since the replacement of the previous Volume 2A in 1973, and includes acts of the 1986 General Session and 1986 Second and Third Special Sessions.

Legislation enacted during the 1986 General Session without a specific effective date is effective, pursuant to Art. VI, Sec. 25, Utah Const., on April 28, 1986. Legislation enacted during the 1986 Second Special Session without a specific effective date is effective, pursuant to Art. VI, Sec. 25, Utah Const., on August 11, 1986. The one chapter enacted during the Third Special Session became effective on June 20, 1986.

This volume contains notes to the following sources:

Pacific Reporter, 2d Series, through 711 P.2d 1155.
Supreme Court Reporter, through 106 S. Ct. 874.
Federal Reporter, 2d Series, through 781 F.2d 206.
Federal Supplement, through 623 F. Supp. 1288.
Federal Rules Decisions, 107 F.R.D. 1 to 108 F.R.D. 235.
Bankruptcy Reporter, 54 Bankr. 1 to 56 Bankr. 259.

The annotations also include references to the Utah Law Review, the Brigham Young University Law Review, Journal of Contemporary Law, Journal of Energy Law and Policy, American Jurisprudence, Second Series (Am. Jur. 2d), American Law Reporters, Third and Fourth Series (A.L.R.3d and 4th), and Corpus Juris Secundum (C.J.S.). These and other helpful notes and references have been reviewed, updated, and relocated where necessary. Cross reference notes providing directions to statutory material of similar and/or related subject matter located elsewhere in the Code are provided.

For more information concerning the format of this volume and the placement and purpose of the annotations, see the User's Guide immediately following this Preface.

The Michie Company

June 1986

USER'S GUIDE

The following guide contains comments on a few of the time-saving features to be found in the Utah Code volumes, replaced by The Michie Company. These comments are made to increase the set's usefulness to its users.

If you have questions or suggestions concerning the Utah Code Annotated, please write or call toll free 1-800-446-3410. Direct written inquiries to:

The Michie Company
Law Publishers
Attn: Utah Code Annotated
P.O. Box 7587
Charlottesville, Virginia 22906-7587

This guide is designed to help both the lawyer and the layman get the most out of the Utah Code. It gives brief information on how to use each of the following features most effectively:

- Amendment Notes
- Analyses
- Collateral References
- Compiler's Notes
- Cross References
- Effective Date Notes
- Historical Citation
- Law Reviews
- Notes to Decisions
- Repealed, Superseded, and Transferred Sections

AMENDMENT NOTES

Amendment notes show without editorial comment changes made in a statute by the legislature. Changes affecting only form may be described only as "minor word changes" or "minor changes in style" in the interests of economy. If the changes are extensive and a detailed comparison would be impractical or confusing, the note may simply indicate that the amendment "rewrote the section." In those instances, the user should consult the session laws to determine the changes made by the amendment.

Amendment notes have been separated from other compiler's notes to enable the user to identify more easily the information that each type of note contains.

Amendment notes have been retained for the five-year period preceding replacement of the code volumes. The annual supplements contain amendment notes covering the interim between publication of the bound volume and publication of the supplement.

ANALYSES

Each title and chapter is preceded by an analysis, which is a table of contents for that title or chapter. Use of the analyses can reduce the need to use the general index and can also provide a quick understanding of the scope of the title or chapter.

COLLATERAL REFERENCES

Articles appearing in standard national law encyclopedias and digests concerning subjects related to Utah statutes are carried under the appropriated statute.

COMPILER'S NOTES

These notes immediately follow the section to which they pertain and inform the user about special circumstances connected with the section, e.g., noncodified sections affecting the interpretation or operation of an act. In addition, they explain additions or corrections made by the compiler in the text unless the change concerns an obvious misspelling or omission or the wrong word has clearly been used. In the case of obvious errors the correct text is substituted or added in brackets, without further comment.

CROSS REFERENCES

Cross references refer the user to other statutes or rules of court that may modify or supplement a statutory provision or place it in context. They are not included for sections immediately preceding or following the section at hand within the same chapter and do not cite all related statutes. The general index should be used to locate all of the law on the subject.

EFFECTIVE DATE NOTES

Effective date notes are carried in the annual pocket part supplements for statutes enacted within the previous five years and in both replaced volumes and supplements for statutes enacted with postponed effective dates. Delayed effective dates are also noted by the inclusion of the date in the section catchline, set off by brackets.

For effective date of 1986 acts, see the Preface.

HISTORICAL CITATION

The material appearing in boldfaced print immediately following the text of a statute is the historical citation. The citation includes, in chronological order, all session laws and official Code citations that enact or amend that code section.

LAW REVIEWS

Law reviews published in Utah have been examined for relevancy to Code sections, and are cited when some relationship is found. Law review citations appear under separate headings for each publication following the centered heading, "Collateral References".

NOTES TO DECISIONS

All reported state and federal cases which arise in Utah and construe Utah law have been read and fully annotated under pertinent statutes. All case notes have been read and edited to guarantee their continuing accuracy. Where a decision has undergone subsequent review, the reviewing court's action is noted in the case citation if it affects the annotated point. Where two or more decisions apply to the same rule in essentially identical terms, their citations are cumulated under the case note stating the rule.

Case notes are divided by catchlines which reflect common themes in the notes. The compiler has endeavored to categorize the notes into small groups, usually no more than six notes under a catchline, to assist the user in identifying the notes which will be most helpful to him. These groups are arranged alphabetically by catchline, with the exception of notes under the heading "Constitutionality" or the heading "In General" which appear first because of their relative importance or general applicability. Where the case notes are divided into two or more groups, their catchlines are printed in an analysis immediately following the "Notes to Decisions" heading.

Where a section has been substantially amended or repealed and the subject matter reenacted in a new section, the compiler has retained those case notes which, while construing the former law, may also construe or contribute to the user's understanding of the new provision.

Occasionally, the same case note is applicable to more than one section, but to avoid bulky and expensive duplication it is carried only under the most appropriate section. Where this has been done, cross references under the other sections clearly point the user to the pertinent section and note.

For scope of annotations, see the Preface in the front of this volume.

REPEALED, SUPERSEDED, AND TRANSFERRED SECTIONS

Where a section has been affected by any of these actions, its section number has been retained in its former location, and a boldface indication of the action included in brackets. A note by the compiler immediately follows explaining the action and referring the user to new or present provisions, if any. In order to find out the history of repealed laws, the user should retain obsolete supplements and bound volumes.