

52-1-13 Sureties -- Approval -- Personal surety bond -- Requirements.

- (1) In all cases where a bond is required of any public officer in this state, either a corporate surety bond or a personal surety bond may be given. The bonds shall be subject to approval as provided by law. A personal surety bond may not be approved except with two or more sureties.
- (2) Each surety shall first make and file an affidavit declaring that the individual is a resident of the state of Utah and is worth the sum specified in the undertaking, over and above all of the individual's debts and liabilities and exclusive of property exempt from execution. The individual shall include in the affidavit a detailed statement of all of the individual's assets and liabilities.
- (3) Any person who makes a material false statement with respect to Subsection (2) is guilty of a third degree felony.
- (4) If there are more than two sureties, they may express in their affidavits that they are worth amounts less than that expressed in the bond if the whole amount of all sureties is equivalent to double the penalty of the bond.
- (5) No premium on any surety bond with personal sureties may be paid from any public funds.
- (6) The several boards, courts, or officers authorized by law to approve surety bonds may require sureties on personal surety bonds to justify annually. In the case of failure to justify, the boards or officers may require additional sureties or a new bond. In case of failure of any public officer to have the public officer's sureties justify when required or to furnish additional sureties when required, the board or officer charged with the duty of approving the bond of the officer shall declare the office vacant within 60 days after notice personally served upon the officer. At the expiration of the 60-day period, the office shall become vacant unless the sureties justify or additional qualified sureties are furnished within the period.

Amended by Chapter 121, 2013 General Session