

1 **Rule 34. ~~Award of e~~Costs.**

2 (a) **To whom allowed.** Costs are awarded only in civil cases. Except as otherwise  
3 provided by law or court order;

4 (1) if an appeal is dismissed, costs ~~shall~~must be ~~taxed~~awarded ~~against for~~ the  
5 appell~~ante~~ee unless the parties agree otherwise ~~agreed by the parties or ordered~~  
6 ~~by the court~~;

7 (2) if a judgment or order is affirmed, costs ~~shall~~must be ~~taxed~~awarded ~~against~~  
8 ~~for the~~ appell~~ante~~ee ~~unless otherwise ordered~~;

9 (3) if a judgment or order is reversed, costs ~~shall~~must be ~~taxed~~awarded ~~against~~  
10 ~~for the~~ appell~~ee~~ant ~~unless otherwise ordered~~;

11 (4) if a judgment or order is affirmed or reversed in part, or is vacated, costs ~~shall~~  
12 are awarded only as the court orders ~~be allowed as ordered by the court.~~ ~~Costs~~  
13 ~~shall not be allowed or taxed in a criminal case.~~

14 (b) **Costs for and against the s**State of Utah. In cases involving the ~~s~~SState of Utah or an  
15 agency or officer thereof, the court has discretion to ~~an award of~~ award costs for or  
16 against the ~~s~~SState ~~shall be at the discretion of the court~~ unless specifically required or  
17 prohibited by law.

18 (c) ~~Costs of briefs and attachments, record, bonds and other expenses~~ Costs on appeal.  
19 The following costs may be ~~taxed as costs~~ awarded ~~in favor of the prevailing party in the~~  
20 ~~appeal~~:

21 (1) ~~the actual costs of~~ \$3.00 per page of a printed ~~or typewritten~~ brief ~~or~~  
22 ~~memoranda~~ and attachments ~~not to exceed \$3.00 for each page~~;

23 (2) actual costs incurred in ~~the preparation and transmission of~~ preparing and  
24 transmitting the record, including costs of the reporter's transcript unless the  
25 court orders otherwise ~~ordered by the court~~;

26           (3) premiums paid for supersedeas or cost bonds to preserve rights pending  
27           appeal; and

28           (4) ~~the~~ fees for filing and docketing the appeal.

29           (d) **Bill of costs ~~taxed~~awarded after remittitur.** A party claiming costs ~~shall~~must, within  
30           154 days after the remittitur is filed with the trial court clerk ~~of the trial court~~, serve  
31           upon the adverse party and file with the trial court clerk ~~of the trial court~~ an itemized  
32           and verified bill of costs. The adverse party may, within seven5 days of service of the  
33           bill of costs, serve and file a notice of objection, together with a motion to have the trial  
34           court award costs ~~taxed by the trial court~~. If there is no objection to the cost bill within  
35           the allotted time, the trial court clerk ~~of the trial court shall~~must taxaward the costs as  
36           filed and enter judgment for the party entitled thereto, which judgment ~~shall~~will be  
37           entered in the judgment docket with the same force and effect as in the case of other  
38           judgments of record. If the cost bill of the prevailing party is timely opposed, the clerk,  
39           upon reasonable notice and hearing, ~~shall~~must taxaward the costs and enter a final  
40           determination and judgment ~~which shall thereupon be entered~~ in the ~~judgment~~ docket  
41           with the same force and effect as in the case of other judgments of record. The clerk's  
42           determination ~~of the clerk shall~~ will be reviewable by the trial court upon the request of  
43           either party made within seven5 days of the entry of the judgment.

44           (e) **Costs in other proceedings and agency appeals.** In all other matters before the  
45           court, including appeals from an agency, costs may be allowed as in cases on appeal  
46           from a trial court. Within 154 days after the ~~expiration of the time in which~~time to file a  
47           petition for rehearing ~~may be filed~~expires or within 154 days after an order denying  
48           such a petition, the party to whom costs have been awarded may file with the appellate  
49           clerk ~~of the appellate court~~ and serve upon the adverse party an itemized and verified  
50           bill of costs. The adverse party may, within seven5 days after ~~the service of~~ the bill of  
51           costs is served, file a notice of objection and a motion to have the costs ~~taxed~~awarded by  
52           the clerk. If no objection to the cost bill is filed within the allotted time, the clerk  
53           ~~shall~~must thereupon taxaward the costs and enter judgment against the adverse party.

54 If the adverse party timely objects to the cost bill, the clerk, upon reasonable notice and  
55 hearing, ~~shall~~will determine and settle the costs, ~~tax~~award the same, and a judgment  
56 ~~shall~~will be entered thereon against the adverse party. The clerk's determination ~~by the~~  
57 ~~clerk shall~~will be reviewable by the court upon either party's ~~the request of either party~~  
58 made within ~~seven~~5 days ~~of the entry of judgment~~after judgment is entered.; ~~U~~nless  
59 otherwise ordered, oral argument ~~shall~~will not be permitted. A judgment under this  
60 ~~section paragraph~~ may be filed with the clerk of any district court in the state, who  
61 ~~shall~~must docket ~~a certified copy of the same~~the judgment in the same manner and with  
62 the same force and effect as district court judgments ~~of the district court~~.

63 Effective May 1, 2021.

64 Advisory Committee Note

65 In an effort to conform with the Supreme Court's directive to use plain language where  
66 possible, the Court approved changing the term "taxed" to "awarded." No substantive  
67 change is intended with this amendment.

68 Adopted 2021.