

1 STATUTE OF LIMITATIONS AMENDMENTS

2 2015 FIRST SPECIAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Michael E. Noel

5 Senate Sponsor: David P. Hinkins

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7 LONG TITLE

8 General Description:

9 This bill clarifies that a particular statute is a statute of limitations rather than a statute  
10 of repose.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ clarifies the application of a particular statute of limitations; and
- 14 ▶ clarifies that it was effective as a statute of limitations at the time of codification.

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 This bill provides a special effective date.

19 This bill provides retrospective operation.

20 Utah Code Sections Affected:

21 AMENDS:

22 78B-2-201, as last amended by Laws of Utah 2009, Chapter 146

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

25 Section 1. Section 78B-2-201 is amended to read:

26 78B-2-201. Actions by the state.

27 (1) The state may not bring an action against any person for or with respect to any real



28 property, its issues or profits, based upon the state's right or title to the real property, unless:

29 ~~[(1)]~~ (a) the right or title to the property accrued within seven years before any action  
30 or other proceeding is commenced; or

31 ~~[(2)]~~ (b) the state or those from whom it claims received all or a portion of the rents  
32 and profits from the real property within the immediately preceding seven years.

33 (2) The statute of limitations in this section runs from the date on which the state or  
34 those from whom it claims ~~H~~→ [became aware, or through the exercise of reasonable diligence  
35 should have become aware,] received actual notice ←~~H~~ of the facts giving rise to the action.

36 Section 2. **Effective date.**

37 If approved by two-thirds of all the members elected to each house, this bill takes effect  
38 upon approval by the governor, or the day following the constitutional time limit of Utah  
39 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
40 the date of veto override.

41 Section 3. **Retrospective operation.**

42 This bill has retrospective operation to March 12, 1953.

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Legislative Review Note  
as of 8-18-15 8:28 AM

Office of Legislative Research and General Counsel