

1 **STATUTE OF LIMITATIONS ON ENVIRONMENTAL CODE**

2 **VIOLATIONS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Luz Escamilla**

6 House Sponsor: Rebecca Chavez-Houck

8 **LONG TITLE**

9 **General Description:**

10 This bill extends the statute of limitations for a violation of Title 19, Environmental
11 Quality Code.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ states that the statute of limitations for a violation of the Environmental Quality
- 15 Code is two years; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **78B-2-302**, as last amended by Laws of Utah 2010, Chapter 89

24 ENACTS:

25 **78B-2-307.5**, Utah Code Annotated 1953

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

28 Section 1. Section **78B-2-302** is amended to read:

29 **78B-2-302. Within one year.**

- 30 An action may be brought within one year:
- 31 (1) for liability created by the statutes of a foreign state;
- 32 (2) upon a statute for a penalty or forfeiture where the action is given to an individual,
- 33 or to an individual and the state, except when the statute imposing it prescribes a different
- 34 limitation;
- 35 (3) except as provided in Section 78B-2-307.5, upon a statute, or upon an undertaking
- 36 in a criminal action, for a forfeiture or penalty to the state;
- 37 (4) for libel, slander, false imprisonment, or seduction;
- 38 (5) against a sheriff or other officer for the escape of a prisoner arrested or imprisoned
- 39 upon either civil or criminal process;
- 40 (6) against a municipal corporation for damages or injuries to property caused by a
- 41 mob or riot;
- 42 (7) except as otherwise expressly provided by statute, against a county legislative body
- 43 or a county executive to challenge a decision of the county legislative body or county
- 44 executive, respectively; or
- 45 (8) on a claim for relief or a cause of action under Title 63L, Chapter 5, Utah Religious
- 46 Land Use Act.

47 Section 2. Section **78B-2-307.5** is enacted to read:

48 **78B-2-307.5. Within two years.**

49 An action may be brought within two years upon a statute in Title 19, Environmental

50 Quality Code, for a forfeiture or penalty to the state, if the violation occurred on or after May

51 10, 2016.