

Judicial Standing Amendments
 2025 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Brady Brammer
 House Sponsor:

LONG TITLE

General Description:

This bill addresses standing to bring a civil action.

Highlighted Provisions:

This bill:

- defines terms related to a civil action;
- address the standing requirements for a civil action; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-3-101.1, Utah Code Annotated 1953

78B-3-101.3, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

78B-3-101.5, (Renumbered from 78B-3-101, as enacted by Laws of Utah 2008,
 Chapter 3)

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

Section 1. Section **78B-3-101.1** is enacted to read:

CHAPTER 3. CIVIL ACTIONS

Part 1. Right to Sue and Be Sued

78B-3-101.1 . Definitions for part.

As used in this part:

(1) "Defendant" means a person against whom a civil action is brought.

(2) "Incapacitated" means the same as that term is defined in Section 75-1-201.

- 31 (3) "Legal relationship" means:
32 (a) a marriage;
33 (b) a parent-child relationship as defined in Section 78B-15-102; or
34 (c) a guardianship or conservatorship.
- 35 (4) "Minor" means, except as provided in Section 78B-3-108, an individual who is younger
36 than 18 years old.
- 37 (5) "Plaintiff" means a person that brings a civil action against a defendant.
- 38 (6) "Third party" means a person other than the plaintiff.

39 Section 2. Section **78B-3-101.3** is enacted to read:

40 **78B-3-101.3 . Requirements for bringing a civil action -- Standing.**

- 41 (1) To have standing to bring a civil action in a court of this state, a plaintiff shall establish
42 that:
- 43 (a) the plaintiff has suffered, or will imminently suffer, an injury that is distinct and
44 particularized to the plaintiff;
- 45 (b) there is a causal relationship between the injury to the plaintiff, the alleged actions of
46 the defendant, and the relief requested by the plaintiff; and
- 47 (c) the relief requested by the plaintiff is substantially likely to redress the alleged injury.
- 48 (2)(a) If a plaintiff is an association, the plaintiff may bring a civil action in a court of
49 this state on behalf of individuals who are members of the association if:
- 50 (i) the members of the association have standing to bring the civil action under
51 Subsection (1); and
- 52 (ii) the participation of the members is not necessary to the resolution of the civil
53 action.
- 54 (b) To establish standing under Subsection (2)(a), the plaintiff must plead with
55 particularity which members of the association have standing under Subsection (1)
56 and the basis for that standing.
- 57 (3) If a plaintiff brings a civil action in a court of this state that asserts the rights of a third
58 party, the plaintiff shall establish that:
- 59 (a) the plaintiff has standing to bring the civil action as described in Subsection (1);
60 (b) the plaintiff has a legal relationship with the third party;
61 (c) the third party cannot bring the civil action to assert the third party's rights because
62 the third party is a minor or is incapacitated; and
63 (d) the third party's rights would be weakened without the civil action.
- 64 (4) The Legislature or the attorney general may bring a civil action in a court of this state if

65 the Legislature or attorney general establishes that:

66 (a) the issue raised in the civil action has significant public importance; and

67 (b) the Legislature or attorney general has an interest in the civil action to effectively
68 assist the court in developing and reviewing all relevant and legal factual questions
69 raised by the issue described in Subsection (4)(a).

70 (5) Notwithstanding Subsections (1) through (4), a plaintiff may bring a civil action in a
71 court of this state if the plaintiff is authorized by statute to bring the civil action.

72 (6) A court shall dismiss a civil action if the plaintiff cannot demonstrate that the plaintiff
73 meets the requirements of this section.

74 Section 3. Section **78B-3-101.5**, which is renumbered from Section 78B-3-101 is renumbered
75 and amended to read:

76 **[78B-3-101] 78B-3-101.5 . Husband and wife -- Actions -- Defense -- Absent**
77 **spouse.**

78 (1) If a husband and wife are sued jointly, either or both may defend in each one's own right
79 or for both parties.

80 (2) Either party to a marriage may sue and be sued in the same manner as if the person is
81 unmarried.

82 (3)(a) When a spouse has deserted the family, the remaining spouse may prosecute or
83 defend in the absent spouse's name any action which the absent spouse might have
84 prosecuted or defended.

85 (b) All powers and rights the absent spouse might have shall be extended to the
86 remaining spouse.

87 Section 4. **Effective Date.**

88 This bill takes effect on May 7, 2025.