

**Brady Brammer** proposes the following substitute bill:

**Judicial Standing Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

House Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses standing to bring a civil action.

**Highlighted Provisions:**

This bill:

- defines terms related to a civil action;
- provides legislative findings with regard to the traditional standing requirement;
- addresses the requirements for bringing a private right of 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)

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*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.

29 As used in this part:

- 30 (1) "Defendant" means a person against which a civil action is brought.  
31 (2) "Plaintiff" means a person that brings a civil action.  
32 (3) "Third party" means a person other than the plaintiff.  
33 (4) "Traditional standing requirement" means the requirement established by the Utah  
34 Supreme Court that a plaintiff bringing a private right of action can establish that the  
35 plaintiff has an injury in fact, causation, and redressability.

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

37 **78B-3-101.3 . Requirements for a private right of action -- Findings.**

- 38 (1) The Legislature finds that:
- 39 (a) the traditional standing requirement in a private right of action is important to ensure  
40 that a plaintiff has a personal stake in the outcome of the action;
- 41 (b) the traditional standing requirement respects and safeguards the core constitutional  
42 principles of separation of powers by limiting a court's authority to hear only a  
43 private right of action where the plaintiff has a personal stake in the outcome of the  
44 action;
- 45 (c) the traditional standing requirement protects the legal rights and interests of the  
46 person with the right to bring the private right of action; and
- 47 (d) allowing a plaintiff that does not meet the traditional standing requirement for a  
48 claim that asserts the constitutional rights of a third party in a private right of action:
- 49 (i) infringes on the constitutional and statutory rights of the third party to bring a  
50 private right of action on the third party's own behalf;
- 51 (ii) conflicts with statutory and procedural laws that recognize that a real party in  
52 interest is the proper party for bringing a private right of action; and
- 53 (iii) circumvents class action laws that protect a third party from having claims  
54 litigated on the third party's behalf without the third party's knowledge or consent.
- 55 (2) For a plaintiff to bring a private right of action in a court of this state, the plaintiff shall  
56 meet the traditional standing requirement in a private right of action.
- 57 (3) If a plaintiff brings a private right of action in a court of this state with a claim asserting  
58 the constitutional rights of a third party, the plaintiff shall establish that:
- 59 (a) the plaintiff meets the traditional standing requirement for bringing the action;  
60 (b) the plaintiff has a substantial relationship with the third party;  
61 (c) there is no way for the third party to bring a private right of action to assert the third  
62 party's own constitutional rights; and

- 63        (d) the third party's constitutional rights would be weakened without the plaintiff  
64            bringing the action.
- 65    (4) If the plaintiff is an association bringing a private right of action on behalf of the  
66            association's members, the plaintiff shall plead with particularity that:
- 67            (a) the members of the association meet the traditional standing requirement for bringing  
68            the action;
- 69            (b) the members consent to the association bringing the action on the behalf of the  
70            members; and
- 71            (c) the participation of the members is not necessary to the resolution of the action.
- 72    (5) Notwithstanding Subsection (1) or (2), a plaintiff may bring a private right of action in a  
73            court of this state if the plaintiff is authorized by statute to bring the private right of  
74            action.
- 75    (6) A court shall dismiss a private right of action if the plaintiff cannot demonstrate that the  
76            plaintiff meets the requirements of this section.

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

79            **[78B-3-101] 78B-3-101.5 . Husband and wife -- Actions -- Defense -- Absent**  
80    **spouse.**

- 81    (1) If a husband and wife are sued jointly, either or both may defend in each one's own right  
82        or for both parties.
- 83    (2) Either party to a marriage may sue and be sued in the same manner as if the person is  
84        unmarried.
- 85    (3)(a) When a spouse has deserted the family, the remaining spouse may prosecute or  
86        defend in the absent spouse's name any action which the absent spouse might have  
87        prosecuted or defended.
- 88        (b) All powers and rights the absent spouse might have shall be extended to the  
89        remaining spouse.

90        Section 4. **Effective Date.**

91    This bill takes effect on May 7, 2025.