

1 **JUDICIAL REVIEW OF FINAL AGENCY**

2 **ACTIONS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gordon E. Snow**

6 AN ACT RELATING TO THE JUDICIAL CODE; MAKING A PROVISION THAT ALLOWS  
7 FOR THE REILING OF SUITS UNDER CERTAIN CIRCUMSTANCES INAPPLICABLE TO  
8 ADMINISTRATIVE PROCEDURES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 REPEALS AND REENACTS:

11 **78-12-40**, Utah Code Annotated 1953

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

13 Section 1. Section **78-12-40** is repealed and reenacted to read:

14 **78-12-40. Effect of failure of action not on merits.**

15 (1) In any action where a judgment for the plaintiff is reversed or where the plaintiff fails  
16 in the action on grounds other than the merits, if the statute of limitations by law or contract has  
17 expired for the bringing of the initial action, the plaintiff, or his representatives if he is deceased  
18 and the cause of action survives him, may bring a new action within one year after the date of the  
19 reversal of the judgment.

20 (2) This section does not apply to administrative actions or petitions brought under Title  
21 63, Chapter 46b, Administrative Procedures Act.

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**Legislative Review Note**

**as of 1-25-00 12:00 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**