

Senator Ross I. Romero proposes the following substitute bill:

SMALL BUSINESS ACCESS AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ross I. Romero

House Sponsor: Lorie D. Fowlke

LONG TITLE

General Description:

This bill increases the amount of litigation expenses a small business can collect when a court finds that a state action was undertaken without substantial justification.

Highlighted Provisions:

This bill:

- ▶ increases the maximum amount of litigation expenses that a small business can collect from the state when the state undertakes legal action against a small business without substantial justification; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-8-503, as renumbered and amended by Laws of Utah 2008, Chapter 3

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



26 Section 1. Section **78B-8-503** is amended to read:

27 **78B-8-503. Definitions.**

28 As used in this part:

29 (1) "Prevail" means to obtain favorable final judgment, the right to all appeals having
30 been exhausted, on the merits, on substantially all counts or charges in the action and with
31 respect to the most significant issue or set of issues presented, but does not include the
32 settlement of any action, either by stipulation, consent decree or otherwise, whether or not
33 settlement occurs before or after any hearing or trial.

34 (2) "Reasonable litigation expenses" means court costs, administrative hearing costs,
35 attorney fees, and witness fees of all necessary witnesses, not in excess of [~~\$10,000;~~ \$35,000
36 which a court finds were reasonably incurred in opposing action covered under this ~~[act]~~ part.

37 (3) "Small business" means a commercial or business entity, including a sole
38 proprietorship, which does not have more than 250 employees, but does not include an entity
39 which is a subsidiary or affiliate of another entity which is not a small business.

40 (4) "State" means any department, board, institution, hospital, college, or university of
41 the state of Utah or any political subdivision thereof, except with respect to antitrust actions
42 brought under Title 76, Chapter 10, Part 9.

S.B. 79 1st Sub. (Green) - Small Business Access Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill raises the amount of litigation expenses a small business can collect when a court finds that a state action was undertaken without substantial justification from \$10,000 to \$35,000. This bill may increase the amount that the Attorney General expends in such cases, however it is unquantifiable at this time.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, or local governments. This bill may impact small businesses.
