

STATUTE OF LIMITATIONS ON TRESPASS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill clarifies that the statute of limitations on damages for trespass is three years, but lengthens the time period for enjoining a permanent trespass to 20 years.

Highlighted Provisions:

This bill:

- affirms that the statute of limitations for the recovery of damages due to trespass is three years; and
- lengthens the time period to enjoin a trespass to 20 years.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-2-314, Utah Code Annotated 1953

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

Section 1. Section **78B-2-314** is enacted to read:

78B-2-314. Statute of limitations -- Permanent or continuing trespass -- Damages.

(1) In accordance with Section 78B-2-305, an action for damage created by trespass



28 shall be brought within three years of the trespass incident that caused the damage.

29 (2) An action to enjoin a permanent or continuing trespass for which the statute of
30 limitations for damages has run may, nonetheless, be brought within 20 years after the first
31 instance of trespass.

Legislative Review Note
as of 3-1-13 6:20 PM

Office of Legislative Research and General Counsel