

Representative Brian M. Greene proposes the following substitute bill:

ATTORNEY FEE REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies provisions related to attorney fees.

Highlighted Provisions:

This bill:

- ▶ provides that a court may award attorney fees and expert fees to the prevailing party in certain cases to enforce a constitutionally protected right; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-5-825.5, as enacted by Laws of Utah 2009, Chapter 373

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

Section 1. Section **78B-5-825.5** is amended to read:

78B-5-825.5. Attorney fees -- Private attorney general doctrine disavowed.



26 (1) Except as provided in Subsection (2), a court may award reasonable attorney fees
27 and reasonable expert fees to the prevailing party in any action or proceeding ~~H~~→ **filed after**
27a **May 9, 2016,** ←~~H~~ that is:

28 (a) against the state or a political subdivision of the state; and

29 (b) to enforce a constitutionally protected right, privilege, or immunity that transcends
30 the plaintiff's individual interests.

31 (2) Subsection (1) does not apply to the state or a political subdivision of the state if the
32 state or a political subdivision of the state is the prevailing party.

33 (3) A court may not award attorney fees under the private attorney general doctrine in
34 any action filed after May 12, 2009.