

1                   **STATUTE OF LIMITATIONS ON ENVIRONMENTAL CODE**

2                                   **VIOLATIONS**

3   2016 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Luz Escamilla**

6                                   House Sponsor: Rebecca Chavez-Houck

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8 **LONG TITLE**

9 **General Description:**

10           This bill extends the statute of limitations for a violation of Title 19, Environmental  
11 Quality Code.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ states that the statute of limitations for a violation of the Environmental Quality  
15 Code is five years; and

16           ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **78B-2-302**, as last amended by Laws of Utah 2010, Chapter 89

24 ENACTS:

25           **78B-2-307.5**, Utah Code Annotated 1953

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



28 Section 1. Section **78B-2-302** is amended to read:

29 **78B-2-302. Within one year.**

30 An action may be brought within one year:

31 (1) for liability created by the statutes of a foreign state;

32 (2) upon a statute for a penalty or forfeiture where the action is given to an individual,  
33 or to an individual and the state, except when the statute imposing it prescribes a different  
34 limitation;

35 (3) except as provided in Section [78B-2-307.5](#), upon a statute, or upon an undertaking  
36 in a criminal action, for a forfeiture or penalty to the state;

37 (4) for libel, slander, false imprisonment, or seduction;

38 (5) against a sheriff or other officer for the escape of a prisoner arrested or imprisoned  
39 upon either civil or criminal process;

40 (6) against a municipal corporation for damages or injuries to property caused by a  
41 mob or riot;

42 (7) except as otherwise expressly provided by statute, against a county legislative body  
43 or a county executive to challenge a decision of the county legislative body or county  
44 executive, respectively; or

45 (8) on a claim for relief or a cause of action under Title 63L, Chapter 5, Utah Religious  
46 Land Use Act.

47 Section 2. Section **78B-2-307.5** is enacted to read:

48 **78B-2-307.5. Within five years.**

49 An action may be brought within five years upon a statute in Title 19, Environmental  
50 Quality Code, for a forfeiture or penalty to the state.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**