

Senator Luz Escamilla proposes the following substitute bill:

STATUTE OF LIMITATIONS ON ENVIRONMENTAL CODE

VIOLATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Rebecca Chavez-Houck

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ states that the statute of limitations for a violation of the Environmental Quality Code is two years; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

78B-2-307.5, Utah Code Annotated 1953



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

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

78B-2-302. Within one year.

An action may be brought within one year:

- (1) for liability created by the statutes of a foreign state;
- (2) upon a statute for a penalty or forfeiture where the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation;
- (3) except as provided in Section 78B-2-307.5, upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the state;
- (4) for libel, slander, false imprisonment, or seduction;
- (5) against a sheriff or other officer for the escape of a prisoner arrested or imprisoned upon either civil or criminal process;
- (6) against a municipal corporation for damages or injuries to property caused by a mob or riot;
- (7) except as otherwise expressly provided by statute, against a county legislative body or a county executive to challenge a decision of the county legislative body or county executive, respectively; or
- (8) on a claim for relief or a cause of action under Title 63L, Chapter 5, Utah Religious Land Use Act.

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

78B-2-307.5. Within two years.

An action may be brought within two years upon a statute in Title 19, Environmental Quality Code, for a forfeiture or penalty to the state, if the violation occurred on or after May 10, 2016.