



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 14, 2018

Mr. President,

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 159**, FORCIBLE ENTRY AND DETAINER, by Senator M. Dayton, with the following amendments:

1. *Page 2, Lines 40 through 43:*

40 (b) ~~{ subject to Subsection (3), }~~ by sending a copy through registered [or]
41 mail, certified
42 mail, or an equivalent means, addressed to the tenant at the tenant's residence[~~or, if the~~
43 ~~tenant is~~
42 ~~a commercial tenant, by sending a copy through registered or certified mail addressed to~~
43 ~~the~~
43 ~~commercial tenant's~~], leased property, or usual place of business;

2. *Page 2, Lines 57 through 58:*

57 ~~{ (3) Service by mail under Subsection (1)(b) is complete three calendar~~
58 ~~days after~~
58 ~~mailing. }~~

3. *Page 3, Lines 73 through 83:*

73 ~~{ (b) A summons requiring a response within three business days under this~~
74 ~~section may~~
74 ~~be used with a complaint, counterclaim, third-party claim, or similar claim.~~

Bill Number



SB0159

Action Class



S

Action Code



SCRAMD

75 ~~_____ (c) The time frames provided in this section may not be expanded by including~~
76 ~~multiple causes of action in a complaint beyond unlawful detainer. }~~ =
(b) A claim for unlawful detainer brought by counterclaim shall be served to any
opposing party in accordance with Utah Rules of Civil Procedure, and any response
required shall be due within the timelines stated under Subsection (3)(a)
77 { ~~(4) (a) The court may authorize service by publication [or] , mail , or~~
~~email for cause~~
78 ~~shown:~~
79 ~~_____ [(5)] (b) Service by publication is complete one week after publication.~~
80 ~~_____ [(6)] (c) Service by mail is complete three calendar days after mailing.~~
81 ~~_____ (d) Service by email is complete upon sending.~~
82 ~~_____ [(7)] (5) The summons shall be changed in form to conform to the time of~~
~~service as~~
83 ~~ordered, and shall be served as in other cases. }~~
(4) The court may authorize alternative service pursuant to the Utah Rules of
Civil Procedure.

4. Page 4, Line 109:

109 evidentiary hearing upon ~~{ the plaintiff's }~~ request within 10 days after the day on
which the

5. Page 9, Lines 250 through 258:

250 (a) The tenant may be served with a declaration of abandonment that includes at
251 least a contact address for the owner , contains a brief factual basis supporting the owner's
reasonable belief that the presumption of abandonment under Subsection (1) has
been met, and states the date and time of service and includes the following
252 language, or language that is substantially similar: "It is believed that these premises are
253 abandoned and the owner is seeking to regain possession of the premises. If a tenant in
legal
254 possession of the premises has not abandoned the premises, the tenant must dispute
255 abandonment in writing within 24 hours of service of this declaration of abandonment by
256 providing a copy to the owner at the contact address included with this declaration of

257 abandonment. If written notice is not served on the owner within 24 hours, the owner may
258 retake possession of the premises." **The 24-hour period stated in this Subsection**
(2)(a) does not include a Saturday, a Sunday, or a holiday during which the Utah
state courts are closed.

6. *Page 9, Lines 261 through 264:*

261 (c) If the tenant fails to dispute the declaration of abandonment in writing by serving
262 notice to the owner within 24 hours of being served a declaration of abandonment, =
excluding a Saturday, a Sunday, or a holiday during which the Utah state courts are
closed, the
263 declaration of abandonment serves as prima facia evidence that the tenant has vacated and
264 abandoned the premises. =

Respectfully,

Todd Weiler
Chair

Voting: 4-0-3

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