

1 **STATUTE OF LIMITATIONS MODIFICATIONS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: V. Lowry Snow**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to a statute of limitations.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ clarifies the statute of limitations for credit agreements; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **78B-2-309**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

23 Section 1. Section **78B-2-309** is amended to read:

24 **78B-2-309. Within six years -- Mesne profits of real property -- Instrument in**
25 **writing -- Fire suppression.**

26 (1) An action may be brought within six years:

27 [~~(1)~~] (a) for the mesne profits of real property;

28 [~~(2)~~] (b) subject to Subsection (2), upon any contract, obligation, or liability founded

29 upon an instrument in writing, except those mentioned in Section 78B-2-311; ~~and~~ or
30 ~~(c)~~ (c) to recover fire suppression costs or other damages caused by wildland fire.
31 (2) For a credit agreement, as defined in Section 25-5-4, the six-year period described
32 in Subsection (1) begins the later of the day on which:
33 (a) the debt arose;
34 (b) the debtor makes a written acknowledgment of the debt or a promise to pay the
35 debt; or
36 (c) the debtor or a third party makes a payment on the debt.