

# SB0203S01 compared with SB0203

{Omitted text} shows text that was in SB0203 but was omitted in SB0203S01

inserted text shows text that was not in SB0203 but was inserted into SB0203S01

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## Judicial Standing Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

House Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses standing to bring a civil action.

#### Highlighted Provisions:

This bill:

▸ defines terms related to a civil action;

▸ provides legislative findings with regard to the traditional standing requirement;

▸ {address} addresses the {standing} requirements for bringing a {civil} private right of action;  
and

▸ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

None

#### ENACTS:

**78B-3-101.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

**78B-3-101.3** , Utah Code Annotated 1953 , Utah Code Annotated 1953

SB0203

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20 RENUMBERS AND AMENDS:

21 **78B-3-101.5**, (Renumbered from 78B-3-101, as enacted by Laws of Utah 2008, Chapter 3),  
22 (Renumbered from 78B-3-101, as enacted by Laws of Utah 2008, Chapter 3)

23

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

25 Section 1. Section 1 is enacted to read:

26

## CHAPTER 3. CIVIL ACTIONS

27

### Part 1. Right to Sue and Be Sued

28

#### **78B-3-101.1. Definitions for part.**

As used in this part:

29 (1) "Defendant" means a person against ~~{whom}~~ which a civil action is brought.

30 ~~{(2) {"Incapacitated" means the same as that term is defined in Section 75-1-201.}}~~

31 ~~{(3) {"Legal relationship" means:}}~~

32 ~~{(a) {a marriage:}}~~

33 ~~{(b) {a parent-child relationship as defined in Section 78B-15-102; or}}~~

34 ~~{(c) {a guardianship or conservatorship.}}~~

35 ~~{(4) {"Minor" means, except as provided in Section 78B-3-108, an individual who is younger than 18  
years old.}}~~

37 ~~{(5)}~~ (2) "Plaintiff" means a person that brings a civil action ~~{against a defendant}~~.

38 ~~{(6)}~~ (3) "Third party" means a person other than the plaintiff.

33 (4) "Traditional standing requirement" means the requirement established by the Utah Supreme Court  
that a plaintiff bringing a private right of action can establish that the plaintiff has an injury in fact,  
causation, and redressability.

36 Section 2. Section 2 is enacted to read:

37 **78B-3-101.3. Requirements for {bringing} a {civil} private right of action -- {Standing}**

#### **Findings.**

41 ~~{(1) {To have standing to bring a civil action in a court of this state, a plaintiff shall establish that:}}~~

43 ~~{(a) {the plaintiff has suffered, or will imminently suffer, an injury that is distinct and particularized to  
the plaintiff;}}~~

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~~{(b) {there is a causal relationship between the injury to the plaintiff, the alleged actions of the defendant, and the relief requested by the plaintiff; and} }~~

47 ~~{(c) {the relief requested by the plaintiff is substantially likely to redress the alleged injury.} }~~

48 ~~{(2) }~~

38 (1) The Legislature finds that:

. (a) ~~{If} the traditional standing requirement in a {plaintiff is an association, the} private right of action is important to ensure that a plaintiff {may bring} has a {civil action} personal stake in {a court of this state on behalf of individuals who are members the} the outcome of this state on behalf of individuals who are members the {association if:} action;~~

41 (b) the traditional standing requirement respects and safeguards the core constitutional principles of separation of powers by limiting a court's authority to hear only a private right of action where the plaintiff has a personal stake in the outcome of the action;

45 (c) the traditional standing requirement protects the legal rights and interests of the person with the right to bring the private right of action; and

47 (d) allowing a plaintiff that does not meet the traditional standing requirement for a claim that asserts the constitutional rights of a third party in a private right of action;

49 (i) infringes on the constitutional and statutory rights of the third party to bring a private right of action on the third party's own behalf;

51 (ii) conflicts with statutory and procedural laws that recognize that a real party in interest is the proper party for bringing a private right of action; and

53 (iii) circumvents class action laws that protect a third party from having claims litigated on the third party's behalf without the third party's knowledge or consent.

55 (2) For a plaintiff to bring a private right of action in a court of this state, the plaintiff shall meet the traditional standing requirement in a private right of action.

57 (3) If a plaintiff brings a private right of action in a court of this state with a claim asserting the constitutional rights of a third party, the plaintiff shall establish that:

59 (a) the plaintiff meets the traditional standing requirement for bringing the action;

60 (b) the plaintiff has a substantial relationship with the third party;

61 (c) there is no way for the third party to bring a private right of action to assert the third party's own constitutional rights; and

63 (d) the third party's constitutional rights would be weakened without the plaintiff bringing the action.

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- 65 (4) If the plaintiff is an association bringing a private right of action on behalf of the association's  
66 members, the plaintiff shall plead with particularity that:
- 67 ~~{(i)}~~ (a) the members of the association {have-} meet the traditional standing {to bring-}  
68 requirement for bringing the {civil action under Subsection (1); and} action;
- 69 (b) the members consent to the association bringing the action on the behalf of the members; and  
70 ~~{(ii)}~~ (c) the participation of the members is not necessary to the resolution of the {civil} action.
- 71 ~~{(b) {To establish standing under Subsection (2)(a), the plaintiff must plead with particularity which~~  
72 ~~members of the association have standing under Subsection (1) and the basis for that standing.}}~~
- 73 ~~{(3) {If a plaintiff brings a civil action in a court of this state that asserts the rights of a third party, the~~  
74 ~~plaintiff shall establish that:}}~~
- 75 ~~{(a) {the plaintiff has standing to bring the civil action as described in Subsection (1);}}~~
- 76 ~~{(b) {the plaintiff has a legal relationship with the third party;}}~~
- 77 ~~{(c) {the third party cannot bring the civil action to assert the third party's rights because the third party~~  
78 ~~is a minor or is incapacitated; and}}~~
- 79 ~~{(d) {the third party's rights would be weakened without the civil action.}}~~
- 80 ~~{(4) {The Legislature or the attorney general may bring a civil action in a court of this state if the~~  
81 ~~Legislature or attorney general establishes that:}}~~
- 82 ~~{(a) {the issue raised in the civil action has significant public importance; and}}~~
- 83 ~~{(b) {the Legislature or attorney general has an interest in the civil action to effectively assist the court~~  
84 ~~in developing and reviewing all relevant and legal factual questions raised by the issue described in~~  
85 ~~Subsection (4)(a).}}~~
- 86 (5) Notwithstanding {Subsections-} Subsection (1) {through (4)} or (2), a plaintiff may bring a {civil-}  
87 private right of action in a court of this state if the plaintiff is authorized by statute to bring the {civil-}  
88 } private right of action.
- 89 (6) A court shall dismiss a {civil-} private right of action if the plaintiff cannot demonstrate that the  
90 plaintiff meets the requirements of this section.
- 91 Section 3. Section **78B-3-101.5** is renumbered and amended to read:
- 92 **~~[78B-3-101]~~78B-3-101.5. Husband and wife -- Actions -- Defense -- Absent spouse.**
- 93 (1) If a husband and wife are sued jointly, either or both may defend in each one's own right or for both  
94 parties.
- 95 (2) Either party to a marriage may sue and be sued in the same manner as if the person is unmarried.

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82 (3)

. (a) When a spouse has deserted the family, the remaining spouse may prosecute or defend in the absent spouse's name any action which the absent spouse might have prosecuted or defended.

85 (b) All powers and rights the absent spouse might have shall be extended to the remaining spouse.

90 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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