

# HB0422S01 compared with HB0422

{Omitted text} shows text that was in HB0422 but was omitted in HB0422S01

inserted text shows text that was not in HB0422 but was inserted into HB0422S01

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## Municipality Regulation of Open House Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: R. Neil Walter**

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill prohibits a municipality from regulating an open house.

#### Highlighted Provisions:

This bill:

- defines the term "open house";
- provides that the governing body of a municipality may not regulate an open house;
- provides that any ordinance regulating an open house, other than a generally applicable building code or fire code ordinance, is void;and

~~{provides that an affirmative defense in an action for punitive damages over the enforcement of an invalid ordinance is not available if the invalid ordinance relates to an open house; and}~~

- makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

This bill provides a special effective date.

HB0422

# HB0422 compared with HB0422S01

18 AMENDS:

19 **10-3-702**, as last amended by Laws of Utah 2010, Chapter 378, as last amended by Laws of Utah  
20 2010, Chapter 378

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

22 Section 1. Section **10-3-702** is amended to read:

23 **10-3-702. Extent of power exercised by ordinance.** <compare mode="add">(Compare  
Error)</compare>

27 (1) As used in this section, "open house" means an event held by a homeowner ~~hat~~, including an  
event ~~hat~~ in association with a real estate agent, architect, builder, or developer ~~hat~~, ~~hat~~ to  
showcase a ~~hat~~ ~~[new or remodeled]~~ ~~hat~~ home, including the outdoor landscaping around the home.

30 ~~{(2)}~~

(a) ~~[—The]~~ Except as provided in Subsection (1)(b), the governing body of a municipality may pass  
any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business,  
conduct or condition authorized by this act or any other provision of law.

34 ~~{(b)}~~

~~{(i) The governing body of a municipality may not regulate an open house.}~~

35 ~~{(ii) Any ordinance regulating an open house, other than a generally applicable building code or fire  
code ordinance, is void.}~~

37 ~~{(3)}~~

(a) An officer of the municipality may not be convicted of a criminal offense where ~~[he]~~ the officer  
relied on or enforced an ordinance ~~[he]~~ the officer reasonably believed to be a valid ordinance.

40 (b) ~~[It shall be a]~~ Except as provided in Subsection (3)(c), an official may claim an affirmative defense  
~~[to]~~ in any action for punitive damages ~~[that]~~ over the enforcement of an invalid ordinance if the  
official:

43 (i) acted in good faith in enforcing an ordinance; or

44 (ii) ~~[that he]~~ enforced an ordinance on advice of legal counsel.

45 ~~{(c) {There is no affirmative defense available in an action for punitive damages over the enforcement  
of an invalid ordinance if the invalid ordinance relates to an open house.}}~~

41 Section 2. **Effective date.**

This bill takes effect:

## HB0422 compared with HB0422S01

- 49 (1) except as provided in Subsection (2), May 7, 2025; or  
50 (2) if approved by two-thirds of all members elected to each house:  
51 (a) upon approval by the governor;  
52 (b) without the governor's signature, the day following the constitutional time limit of Utah  
Constitution, Article VII, Section 8; or  
54 (c) in the case of a veto, the date of veto override.

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