

Brady Brammer proposes the following substitute bill:

Judicial Standing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Casey Snider

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;
- addresses the requirements for bringing a private right of action; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-3-101.1, Utah Code Annotated 1953

78B-3-101.3, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

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

Section 1. Section **78B-3-101.1** is enacted to read:

CHAPTER 3. CIVIL ACTIONS

Part 1. Right to Sue and Be Sued

78B-3-101.1 . Definitions for part.

29 As used in this part:

- 30 (1) "Defendant" means a person against which a civil action is brought.
31 (2) "Plaintiff" means a person that brings a civil action.
32 (3) "Third party" means a person other than the plaintiff.
33 (4) "Traditional standing requirement" means the requirement established by the Utah
34 Supreme Court that a plaintiff bringing a private right of action can establish that the
35 plaintiff has an injury in fact, causation, and redressability.

36 Section 2. Section **78B-3-101.3** is enacted to read:

37 **78B-3-101.3 . Requirements for a private right of action -- Findings.**

- 38 (1) The Legislature finds that:
- 39 (a) the traditional standing requirement in a private right of action is important to ensure
40 that a plaintiff has a personal stake in the outcome of the action;
- 41 (b) the traditional standing requirement respects and safeguards the core constitutional
42 principles of separation of powers by limiting a court's authority to hear only a
43 private right of action where the plaintiff has a personal stake in the outcome of the
44 action;
- 45 (c) the traditional standing requirement protects the legal rights and interests of the
46 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
48 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
50 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
52 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
54 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
56 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
58 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
62 party's own constitutional rights; and

- 63 (d) the third party's constitutional rights would be weakened without the plaintiff
64 bringing the action.
- 65 (4) If the plaintiff is an association bringing a private right of action on behalf of the
66 association's members, the plaintiff shall plead with particularity that:
- 67 (a) the members of the association meet the traditional standing requirement for bringing
68 the action;
- 69 (b) the members consent to the association bringing the action on the behalf of the
70 members; and
- 71 (c) the participation of the members is not necessary to the resolution of the action.
- 72 (5) Notwithstanding Subsection (1) or (2), a plaintiff may bring a private right of action in a
73 court of this state if the plaintiff is authorized by statute to bring the private right of
74 action.
- 75 (6) A court shall dismiss a private right of action if the plaintiff cannot demonstrate that the
76 plaintiff meets the requirements of this section.

77 Section 3. Section **78B-3-101.5**, which is renumbered from Section 78B-3-101 is renumbered
78 and amended to read:

79 **[78B-3-101] 78B-3-101.5 . Husband and wife -- Actions -- Defense -- Absent**
80 **spouse.**

- 81 (1) If a husband and wife are sued jointly, either or both may defend in each one's own right
82 or for both parties.
- 83 (2) Either party to a marriage may sue and be sued in the same manner as if the person is
84 unmarried.
- 85 (3)(a) When a spouse has deserted the family, the remaining spouse may prosecute or
86 defend in the absent spouse's name any action which the absent spouse might have
87 prosecuted or defended.
- 88 (b) All powers and rights the absent spouse might have shall be extended to the
89 remaining spouse.

90 Section 4. **Effective Date.**

91 This bill takes effect on May 7, 2025.