

Effective 5/3/2023

Superseded 3/23/2026

78B-2-305 Within three years.

An action may be brought within three years:

- (1) for waste, trespass upon, or injury to real property; except that when waste or trespass is committed by means of underground works upon any mining claim, the cause of action does not accrue until the discovery by the aggrieved party of the facts constituting the waste or trespass;
- (2) for taking, detaining, or injuring personal property, including actions for specific recovery, except that:
 - (a) in cases where the subject of the action is a domestic animal usually included in the term "livestock," which at the time of its loss has a recorded mark or brand, if the animal strayed or was stolen from the true owner without the owner's fault, the cause does not accrue until the owner has actual knowledge of facts that would put a reasonable person upon inquiry as to the possession of the animal by the defendant; and
 - (b) as provided in Subsection 78B-2-307(3), for a claim involving damage to personal property from an accident involving a motor vehicle as defined in Section 41-6a-102, including an accident involving a motor vehicle and bicycle, the action may be brought within four years;
- (3) for relief on the ground of fraud or mistake; except that the cause of action does not accrue until the discovery by the aggrieved party of the facts constituting the fraud or mistake;
- (4) for a liability created by the statutes of this state, other than for a penalty or forfeiture under the laws of this state, except where in special cases a different limitation is prescribed by the statutes of this state; or
- (5) to enforce liability imposed by Section 78B-3-603, or for damages under Section 78B-6-1701, except that the cause of action does not accrue until the aggrieved party knows or reasonably should know of the harm suffered.