

**Effective 3/23/2026**

**78B-2-305 Actions with a statute of limitations of three years -- Exceptions.**

- (1)
- (a) Except as otherwise provided in this Subsection (1), an action may only be brought within three years:
    - (i) for waste, trespass upon, or injury to real property;
    - (ii) for taking, detaining, or injuring personal property, including actions for specific recovery;
    - (iii) for relief on the ground of fraud or mistake;
    - (iv) for liability created by statutes of this state other than for a penalty or forfeiture under the laws of this state; or
    - (v) to enforce liability imposed by Section 78B-3-603 or for damages under Section 78B-6-1701.
  - (b) An action under Subsection (1)(a)(i) does not accrue until the discovery by the aggrieved party of the facts constituting the waste or trespass if the waste or trespass is committed by means of underground works upon any mining claim.
  - (c)
    - (i) An action described in Subsection (1)(a)(ii) 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 if:
      - (A) the subject of the action is a domestic animal usually included in the term "livestock" which at the time of the animal's loss has a recorded mark or brand; and
      - (B) the animal strayed or was stolen from the true owner without the owner's fault.
    - (ii) An action described in Subsection (1)(a)(ii) may be brought within four years in accordance with 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.
  - (d) An action described in Subsection (1)(a)(iii) does not accrue until the discovery by the aggrieved party of the facts constituting the fraud or mistake.
  - (e) For an action described in Subsection (1)(a)(iv), the three-year limitation period does not apply if there is a different limitation period provided by the Utah Code.
  - (f) An action described in Subsection (1)(a)(v) does not accrue until the aggrieved party knows or reasonably should know of the harm suffered.
- (2)
- (a) As used in this Subsection (2):
    - (i) "Client" means the same as that term is defined in Section 78A-9-103.
    - (ii) "Unauthorized practice of law" means the same as that term is defined in Section 78A-9-103.
  - (b)
    - (i) The Board of Commissioners for the Utah State Bar may only bring an action for the unauthorized practice of law described in Subsection 78B-9-103(4) within three years after the day on which the person engaged in the unauthorized practice of law.
    - (ii) If a person engages in continuous conduct that constitutes the unauthorized practice of law, the day on which the limitation period described in Subsection (2)(b)(i) begins when the person ceases to engage in the unauthorized practice of law.
  - (c) A client may only bring an action for the unauthorized practice of law described in Subsection 78B-9-103(5) within three years after the day on which the client discovers, or through the use of reasonable diligence should have discovered, that the person engaged in the unauthorized practice of law.

Repealed and Re-enacted by Chapter 307, 2026 General Session