

1 **VENUE FOR CONSUMER TRANSACTIONS**

2 2001 SECOND SPECIAL SESSION

3 STATE OF UTAH

4 **Sponsor: John L. Valentine**

5 **This act enacts a provision within the Judicial Code pertaining to written contracts within**  
6 **consumer transactions. It provides guidelines for where an action to enforce contract actions**  
7 **may be brought depending on whether or not it pertains to real property. This act takes**  
8 **effect immediately with retrospective operation to April 23, 1990.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 **REPEALS AND REENACTS:**

11 **78-13-4**, as last amended by Chapter 194, Laws of Utah 1990

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

13 Section 1. Section **78-13-4** is repealed and reenacted to read:

14 **78-13-4. Actions on written contracts.**

15 When the defendant has signed a contract in the state to perform an obligation, an action  
16 on the contract may be commenced and tried in the following venues:

17 (1) If the action is to enforce an interest in real property securing a consumer's obligation,  
18 the action may be brought only in the county where the real property is located or where the  
19 defendant resides.

20 (2) An action to enforce an interest other than under Subsection (1) may be brought in the  
21 county where such obligation is to be performed, the contract was signed, or in which the  
22 defendant resides.

23 Section 2. **Effective date.**

24 If approved by two-thirds of all the members elected to each house, this act takes effect  
25 upon approval by the governor, or the day following the constitutional time limit of Utah  
26 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
27 date of veto override.



28           Section 3. **Retrospective operation.**

29           (1) This act has retrospective operation to any case filed on or after April 23, 1990 that is  
30 pending or subject to appeal, in order to remedy an enrolling error of S.B. 124, Venue for  
31 Consumer Transactions (1990 General Session) (effective April 23, 1990).

32           (2) It is not intended to enlarge, eliminate, or destroy any vested rights, but to reinstate the  
33 law as it has appeared in the Utah Code since April 23, 1990.

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**Legislative Review Note**  
**as of 9-25-01 4:46 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**