

Representative Gregory H. Hughes proposes the following substitute bill:

PRESCRIPTIVE EASEMENTS ACT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill restricts the use of prescriptive easements for motor vehicle access to real property.

Highlighted Provisions:

This bill:

- ▶ prevents the establishment of certain prescriptive easements for motor vehicle access; and
- ▶ provides exemptions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

ENACTS:

57-13b-101, Utah Code Annotated 1953

57-13b-102, Utah Code Annotated 1953

57-13b-103, Utah Code Annotated 1953

57-13b-201, Utah Code Annotated 1953

57-13b-202, Utah Code Annotated 1953



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

Section 1. Section **57-13b-101** is enacted to read:

CHAPTER 13b. PRESCRIPTIVE EASEMENTS ACT

Part 1. General Provisions

57-13b-101. Title.

This chapter is known as the "Prescriptive Easements Act."

Section 2. Section **57-13b-102** is enacted to read:

57-13b-102. Definitions.

"Motor vehicle" is as defined in Section 41-1a-102.

Section 3. Section **57-13b-103** is enacted to read:

57-13b-103. Scope.

This chapter does not apply to ~~H~~→ :

(1) ~~←H~~ an easement established under Chapter 13a, Easement
for Water Conveyance ~~H~~→ [:] ; or

(2) any easement established in a county of the first or second class. ~~←H~~

Section 4. Section **57-13b-201** is enacted to read:

Part 2. Prescriptive Easements for Vehicular Use

57-13b-201. Prescriptive easements -- Restrictions.

(1) Except as provided in Section 57-13b-202, a person may not establish a
prescriptive easement for use by a person operating a motor vehicle solely for the purpose of
accessing the real property by motor vehicle if there is a reasonable alternative method for
accessing the real property by motor vehicle.

(2) Access from a highway, as defined in Section 41-1a-102, constitutes a reasonable
alternative method for accessing real property by motor vehicle.

Section 5. Section **57-13b-202** is enacted to read:

57-13b-202. Exemptions.

The following are exempt from Section 57-13b-201:

(1) A railroad corporation, as defined in Section 54-2-1.

(2) A ~~H~~→ private or public ~~←H~~ utility company, as defined in Section 72-6-116.

~~H~~→ (3) A government entity.

(4) An easement created by public use.

(5) An easement established for agricultural use. ~~←H~~

Section 6. **Coordinating H.B. 207 with H.B. 182.**

If this H.B. 207 and H.B. 182, Historical Livestock Trails, both pass, it is the intent of
the Legislature that the Office of Legislative Research and General Counsel in preparing the

57 Utah Code database for publication, shall rewrite Section 57-13b-103 to read as follows:

58 "57-13b-103. Scope.

59 This chapter does not apply to an easement ~~H→~~ ~~[established under]~~ ~~←H~~ :

60 (1) ~~H→~~ ~~established under~~ ~~←H~~ Chapter 13a, Easement for Water Conveyance;

60a ~~H→~~ [or] ~~←H~~

61 (2) ~~H→~~ ~~established under~~ ~~←H~~ Chapter 13b, Easement for Historical Livestock Trail Act

61a ~~H→~~ [;] or

61b (3) established in a county of the first or second class. ~~←H~~ "