

1                   **TIMING TO COMMENCE A CIVIL ACTION**  
2                   **BY THE DEPARTMENT OF ENVIRONMENTAL**  
3                   **QUALITY**

4                   2007 GENERAL SESSION

5                   STATE OF UTAH

6                   **Chief Sponsor: Ronda Rudd Menlove**

7                   Senate Sponsor: Gregory S. Bell

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9                   **LONG TITLE**

10                  **General Description:**

11                  This bill expands which Department of Environmental Quality actions toll the running  
12 of the period to commence a civil action.

13                  **Highlighted Provisions:**

14                  This bill:

- 15                  ▶ provides that a notice of violation, agency action, or order tolls the running of the
- 16 time in which the department may commence a civil action for a penalty; and
- 17                  ▶ makes technical changes.

18                  **Monies Appropriated in this Bill:**

19                  None

20                  **Other Special Clauses:**

21                  None

22                  **Utah Code Sections Affected:**

23                  AMENDS:

24                  **19-1-305**, as renumbered and amended by Chapter 112 and enacted by Chapter 155,  
25 Laws of Utah 1991

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

28                  Section 1. Section **19-1-305** is amended to read:

29                  **19-1-305. Administrative enforcement proceedings -- Tolling of limitation period.**

30           ~~[The issuance of an administrative enforcement]~~ Issuing a notice of a violation ~~[or]~~, an  
31 order ~~[under Section 19-1-202, 19-2-110, 19-4-107, 19-6-404, 19-5-111, or 19-6-112, or~~  
32 ~~issuance of]~~, or a notice of agency action under ~~[Section 19-3-109 or 19-6-407]~~ this title tolls  
33 the running of the period of limitation for ~~[commencement of]~~ commencing a civil action  
34 ~~[brought]~~ to assess or collect a penalty until the sooner of:

35           (1) the ~~[date]~~ day on which the notice of violation, order, or agency action becomes  
36 final under Title 63, Chapter 46b, Administrative Procedures Act~~[-];~~ or ~~[for a period of]~~

37           (2) three years~~[-, whichever occurs first]~~ from the day on which the department issues a  
38 notice or order described in this section.