

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.

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**Legislative Review Note**  
as of **11-16-06 10:15 AM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note****H.B. 221 - Timing to Commence a Civil Action by the Department of  
Environmental Quality**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/10/2007, 3:06:18 PM, Lead Analyst: Bleazard, M.*

**Office of the Legislative Fiscal Analyst**