

LIMITATION OF ACTIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: Scott L Wyatt

LONG TITLE

General Description:

This bill modifies the Judicial Code regarding limitations on commencing an action.

Highlighted Provisions:

This bill:

▶ amends the current provision that allows a plaintiff whose action failed for specified causes to commence a new action by providing that the new action may only be brought one time; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-12-40, Utah Code Annotated 1953

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

Section 1. Section **78-12-40** is amended to read:

78-12-40. Failure of action -- Right to commence new action.

(1) If any action is [~~commenced within due time~~] timely filed and [a] the judgment



28 [thereon] for the plaintiff is reversed, or if the plaintiff fails in [such] the action or upon a cause
29 of action otherwise than upon the merits, and the time limited either by law or contract for
30 commencing the [~~same shall have~~] action has expired, the plaintiff, or if he dies and the cause
31 of action survives, his representatives, may commence a new action within one year after the
32 reversal or failure.

33 (2) On and after December 31, 2007, a new action may be commenced under this
34 section only once.

Legislative Review Note
as of 1-3-07 12:33 PM

Office of Legislative Research and General Counsel

S.B. 113 - Limitation of Actions

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

1/16/2007, 8:39:55 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst