

SMALL BUSINESS ACCESS AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ross I. Romero

House Sponsor: _____

LONG TITLE

General Description:

This bill increases the amount of litigation expenses a small business can collect when a court finds that a state action was undertaken without substantial justification.

Highlighted Provisions:

This bill:

- ▶ increases the maximum amount of litigation expenses that a small business can collect from the state when the state undertakes legal action against a small business without substantial justification; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-27a-3, as enacted by Laws of Utah 1983, Chapter 298

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

Section 1. Section **78-27a-3** is amended to read:

78-27a-3. Definitions.



28 As used in this [act] chapter:

29 (1) "Prevail" means to obtain favorable final judgment, the right to all appeals having
30 been exhausted, on the merits, on substantially all counts or charges in the action and with
31 respect to the most significant issue or set of issues presented, but does not include the
32 settlement of any action, either by stipulation, consent decree or otherwise, whether or not
33 settlement occurs before or after any hearing or trial.

34 (2) "Reasonable litigation expenses" means court costs, administrative hearing costs,
35 [attorney's] attorney fees, and witness fees of all necessary witnesses, not in excess of
36 [~~\$10,000~~] \$35,000, which a court finds were reasonably incurred in opposing action covered
37 under this [act] chapter.

38 (3) "Small business" means a commercial or business entity, including a sole
39 proprietorship, which does not have more than 250 employees, but does not include an entity
40 which is a subsidiary or affiliate of another entity which is not a small business.

41 (4) "State" means any department, board, institution, hospital, college, or university of
42 the state of Utah or any political subdivision thereof, except with respect to antitrust actions
43 brought under Title 76, Chapter 10, Part 9.

Legislative Review Note
as of 1-16-08 6:52 AM

Office of Legislative Research and General Counsel

S.B. 79 - Small Business Access Amendments

Fiscal Note

2008 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.
