

**FORCIBLE ENTRY AND DETAINER**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lorie D. Fowlke**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill provides that the definition of tenant includes a commercial tenant.

**Highlighted Provisions:**

This bill:

- ▶ provides that the definition of tenant includes a commercial tenant.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-6-801**, as enacted by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-6-801** is amended to read:

**78B-6-801. Definitions.**

(1) "Commercial tenant" means any tenant who may be a body politic and corporate, partnership, association, or company.

(2) "Forcible detainer" means:



28 (a) holding and keeping by force, or by menaces and threats of violence, the possession  
29 of any real property, whether acquired peaceably or otherwise; or

30 (b) unlawfully entering real property during the absence of the occupants or at night,  
31 and, after demand is made for the surrender of the property, refusing for a period of three days  
32 to surrender the property to the former occupant.

33 (3) "Forcible entry" means:

34 (a) entering any real property by:

35 (i) breaking open doors, windows, or other parts of a house;

36 (ii) fraud, intimidation, or stealth; or

37 (iii) any kind of violence or circumstances of terror; or

38 (b) after entering peaceably upon real property, turning out by force, threats, or  
39 menacing conduct the party in actual possession.

40 (4) "Occupant of real property" means one who within five days preceding an unlawful  
41 entry was in the peaceable and undisturbed possession of the property.

42 (5) "Owner:"

43 (a) means the actual owner of the premises;

44 (b) has the same meaning as landlord under common law and the statutes of this state;  
45 and

46 (c) includes the owner's designated agent or successor to the estate.

47 (6) "Tenant" means any natural person and any individual [~~other than~~], including a  
48 commercial tenant.

49 (7) "Willful exclusion" means preventing the tenant from entering into the premises  
50 with intent to deprive the tenant of entry.

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**Legislative Review Note**  
**as of 2-4-09 3:42 PM**

**Office of Legislative Research and General Counsel**