

**SMALL BUSINESS ACCESS TO JUSTICE**

**ACT**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

House Sponsor: Brian S. King

---

---

**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:

**78B-8-503**, as renumbered and amended by Laws of Utah 2008, Chapter 3

---

---

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

Section 1. Section **78B-8-503** is amended to read:



28           **78B-8-503. Definitions.**

29           As used in this part:

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

35           (2) "Reasonable litigation expenses" means court costs, administrative hearing costs,  
36 attorney fees, and witness fees of all necessary witnesses, not in excess of [~~\$10,000;~~ \$25,000  
37 which a court finds were reasonably incurred in opposing action covered under this [~~act~~] part.

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~~] the Utah Antitrust Act, Section 76-10-911, et. seq.

---

---

**Legislative Review Note**  
**as of 12-18-08 9:42 AM**

**Office of Legislative Research and General Counsel**

---

---

**S.B. 49 - Small Business Access to Justice Act**

**Fiscal Note**

2009 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, or local governments. This bill may impact small businesses.

---