

MARKETABLE RECORD TITLE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stuart C. Reid

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill modifies a marketable record title provision.

Highlighted Provisions:

This bill:

► modifies a provision indicating interests and rights that marketable record title provisions may not be applied to bar or extinguish;

► expands a provision prohibiting the extinguishment of certain easement rights to apply to any right, title, or interest;

► expands a provision prohibiting the extinguishment of specified state property to apply to any right, title, or interest of the state or political subdivision of the state;

and

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-9-6, as last amended by Laws of Utah 1999, Chapter 241



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

29 Section 1. Section **57-9-6** is amended to read:

30 **57-9-6. Applicability of provisions.**

31 This ~~[act]~~ chapter may not be applied to ~~[bar]~~:

32 (1) ~~[any]~~ bar a lessor or ~~[his]~~ the lessor's successor as a reversioner of ~~[his]~~ the right to
33 possession on the expiration of any lease; ~~[or]~~

34 (2) extinguish any right, title, or interest ~~H→~~ ~~[, including an easement or interest in~~
34a ~~the nature~~

35 ~~of an easement]~~ ~~←H~~ created or held for any pipeline, highway, railroad, or public utility purpose~~[, or~~
36 ~~any]~~;

37 (3) extinguish an easement or interest in the nature of an easement, the existence of
38 which is clearly observable by physical evidence of its use; ~~[or]~~

39 ~~[(3)]~~ (4) extinguish any water rights, whether evidenced by decrees, by certificates of
40 appropriation, by diligence claims to the use of surface or underground water, or by water
41 users' claims filed in general determination proceedings; ~~[or]~~

42 ~~[(4)]~~ (5) extinguish any right, title, estate, or interest in and to minerals, and any
43 development, mining, production or other rights or easements related to the minerals or
44 exercisable in connection with the minerals; ~~[or]~~

45 ~~[(5)]~~ (6) extinguish any right, title, or interest of the state ~~[in school or institutional~~
46 ~~trust lands or sovereign lands]~~ or political subdivision of the state; or

47 ~~[(6)]~~ (7) extinguish any right, title, or interest of the United States, by reason of failure
48 to file the notice ~~[herein]~~ required under this chapter.

Legislative Review Note
as of 2-3-11 1:15 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 87

SHORT TITLE: **Marketable Record Title Amendments**

SPONSOR: **Reid, S.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.