

APPELLATE BOND FOR STATE ENTITIES

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Brad L. Dee

LONG TITLE

General Description:

This bill requires that political subdivisions post a bond on appeal of a judgment over \$5,000,000.

Highlighted Provisions:

This bill:

► requires that political subdivisions post a bond on appeal of a judgment over \$5,000,000.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

REPEALS AND REENACTS:

78B-5-805, 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 Section **78B-5-805** is repealed and reenacted to read:

78B-5-805. State, state officers, and political subdivisions not required to give bond -- Exception for appeal.

(1) Except as provided in Subsection (3), the state, any state officer acting in an official



28 capacity on behalf of the state, or any county, city, or public corporation may not be required to
29 post a bond, written undertaking, or security in order to pursue a civil action.

30 (2) Upon compliance with the other provisions of the law, the state, any state officer
31 acting in an official capacity, or any county, city, or other public corporation, has the same
32 rights, remedies, and benefits as if the bond, undertaking, or security were given and approved
33 as required by law.

34 (3) A county, city, local district, or public corporation is not exempt from the
35 requirement of posting a bond, obligation, or other security when appealing a judgment for any
36 amount in excess of \$5,000,000. To stay the enforcement of any judgment over \$5,000,000, a
37 county, city, local district, or public corporation shall be required to post security with the
38 appellate court in the amount by which the judgment exceeds the sum of \$5,000,000 and for
39 any interest that may accrue during the appeal.

Legislative Review Note
as of 2-22-13 1:39 PM

Office of Legislative Research and General Counsel