

**Representative Brian M. Greene** proposes the following substitute bill:

**ATTORNEY FEE REVISIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian M. Greene**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to attorney fees.

**Highlighted Provisions:**

This bill:

- ▶ provides that a court may award attorney fees and expert fees to the prevailing party in certain cases to enforce a constitutionally protected right; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-5-825.5**, as enacted by Laws of Utah 2009, Chapter 373

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

Section 1. Section **78B-5-825.5** is amended to read:

**78B-5-825.5. Attorney fees -- Private attorney general doctrine disavowed.**



26           (1) Except as provided in Subsection (2), a court may award reasonable attorney fees  
27 and reasonable expert fees to the prevailing party in any action or proceeding that is:

28           (a) against the state or a political subdivision of the state; and

29           (b) to enforce a constitutionally protected right, privilege, or immunity that transcends  
30 the plaintiff's individual interests.

31           (2) Subsection (1) does not apply to the state or a political subdivision of the state if the  
32 state or a political subdivision of the state is the prevailing party.

33           (3) A court may not award attorney fees under the private attorney general doctrine in  
34 any action filed after May 12, 2009.