

HB0085S01 compared with HB0085

~~{deleted text}~~ shows text that was in HB0085 but was deleted in HB0085S01.

inserted text shows text that was not in HB0085 but was inserted into HB0085S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{PRIVATE REPRESENTATIVE BRIAN M. GREENE}~~ Represents Brian M. Greene proposes the following substitute bill:

ATTORNEY FEE REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian M. Greene

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{repeals a provision relating}~~ modifies provisions related to ~~{the private}~~ attorney ~~{general doctrine}~~ fees.

Highlighted Provisions:

This bill:

- ▶ ~~{repeals a provision that disavows the private attorney general doctrine}~~ 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:

HB0085S01 compared with HB0085

None

Utah Code Sections Affected:

~~{REPEALS}~~ AMENDS:

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

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

Section 1. Section ~~{Repealer}~~ 78B-5-825.5 ~~{~~

~~—~~ This bill repeals ~~{~~ is amended to read:

~~{Section }78B-5-825.5{}~~ Attorney fees -- Private attorney general doctrine disavowed.

~~{~~

Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (1) Except as provided in Subsection (2), a court may award reasonable attorney fees and reasonable expert fees to the prevailing party in any action or proceeding that is:

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

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

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

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