

1 **STATUTE OF LIMITATIONS ON ENVIRONMENTAL CODE**

2 **VIOLATIONS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Luz Escamilla**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill extends the statute of limitations for a violation of Title 19, Environmental
10 Quality Code.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ states that the statute of limitations for a violation of the Environmental Quality
14 Code is ~~5~~ **two** ~~years~~ years; and

15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **78B-2-302**, as last amended by Laws of Utah 2010, Chapter 89

23 ENACTS:

24 **78B-2-307.5**, Utah Code Annotated 1953

25

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



28 Section 1. Section 78B-2-302 is amended to read:

29 **78B-2-302. Within one year.**

30 An action may be brought within one year:

31 (1) for liability created by the statutes of a foreign state;

32 (2) upon a statute for a penalty or forfeiture where the action is given to an individual,
33 or to an individual and the state, except when the statute imposing it prescribes a different
34 limitation;

35 (3) except as provided in Section 78B-2-307.5, upon a statute, or upon an undertaking
36 in a criminal action, for a forfeiture or penalty to the state;

37 (4) for libel, slander, false imprisonment, or seduction;

38 (5) against a sheriff or other officer for the escape of a prisoner arrested or imprisoned
39 upon either civil or criminal process;

40 (6) against a municipal corporation for damages or injuries to property caused by a
41 mob or riot;

42 (7) except as otherwise expressly provided by statute, against a county legislative body
43 or a county executive to challenge a decision of the county legislative body or county
44 executive, respectively; or

45 (8) on a claim for relief or a cause of action under Title 63L, Chapter 5, Utah Religious
46 Land Use Act.

47 Section 2. Section 78B-2-307.5 is enacted to read:

48 **78B-2-307.5. Within five years.**

49 An action may be brought within ~~5~~ **[five]** ~~two~~ **two** years upon a statute in Title 19,
49a Environmental
50 Quality Code, for a forfeiture or penalty to the state.

Legislative Review Note
Office of Legislative Research and General Counsel