

HB0083S01 compared with HB0083

~~deleted text~~ shows text that was in HB0083 but was deleted in HB0083S01.

Inserted text shows text that was not in HB0083 but was inserted into HB0083S01.

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Representative V. Lowry Snow proposes the following substitute bill:

STATUTE OF LIMITATIONS MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to a statute of limitations.

Highlighted Provisions:

This bill:

- ▶ clarifies the statute of limitations for credit agreements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

HB0083S01 compared with HB0083

78B-2-309, 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-2-309 is amended to read:

78B-2-309. Within six years -- Mesne profits of real property -- Instrument in writing-- Fire suppression.

(1) An action may be brought within six years:

~~[(1)]~~ (a) for the mesne profits of real property;

~~[(2)]~~ (b) subject to Subsection (2), upon any contract, obligation, or liability founded upon an instrument in writing ~~{[,]}~~:

~~— (a) including a credit agreement, as defined in Section 25-5-4, with the six year period for a credit agreement beginning the sooner of:~~

~~— (i) the date of cancellation; or~~

~~— (ii) 90 days after the day on which the last payment or credit is applied; and~~

~~— (b) };~~ except those mentioned in Section 78B-2-311; ~~[and]~~ or

~~[(3)]~~ (c) to recover fire suppression costs or other damages caused by wildland fire.

(2) For a credit agreement, as defined in Section 25-5-4, the six-year period described in Subsection (1) begins the later of the day on which:

(a) the debt arose;

(b) the debtor makes a written acknowledgment of the debt or a promise to pay the debt; or

(c) the debtor or a third party makes a payment on the debt.