

**ADMINISTRATIVE APPEALS AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: Jon Hawkins

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**LONG TITLE**

**General Description:**

This bill amends provisions related to administrative appeals.

**Highlighted Provisions:**

This bill:

- ▶ addresses the filing of a petition for judicial review; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-4-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **63G-4-401** is amended to read:

**63G-4-401. Judicial review -- Exhaustion of administrative remedies -- Petition for judicial review.**

(1) A party aggrieved may obtain judicial review of final agency action, except in actions where judicial review is expressly prohibited by statute.

(2) A party may seek judicial review only after exhausting all administrative remedies available, except that:

30 (a) a party seeking judicial review need not exhaust administrative remedies if this  
31 chapter or any other statute states that exhaustion is not required;

32 (b) the court may relieve a party seeking judicial review of the requirement to exhaust  
33 any or all administrative remedies if:

34 (i) the administrative remedies are inadequate; or

35 (ii) exhaustion of remedies would result in irreparable harm disproportionate to the  
36 public benefit derived from requiring exhaustion.

37 (3) (a) [~~A~~] Except as provided in Subsection (3)(c), a party shall file a petition for  
38 judicial review of final agency action within 30 days after the [date that] day on which the  
39 order;

40 (i) constituting the final agency action is issued; or

41 (ii) is considered to have been issued under Subsection 63G-4-302(3)(b).

42 (b) The petition shall:

43 (i) name the agency and all other appropriate parties as respondents; and [~~shall~~]

44 (ii) meet the form requirements specified in this chapter.

45 (c) If a party files a petition for judicial review of a final agency action resulting from a  
46 formal adjudicative proceeding within the 30-day time period described in Subsection (3)(a),  
47 any other party to the action may file a petition for judicial review if the petition is filed within  
48 the time period permitted for a cross petition under Rule 14 of the Utah Rules of Appellate  
49 Procedure.