

1 **SMALL BUSINESS ACCESS TO JUSTICE**

2 **ACT**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ross I. Romero**

6 House Sponsor: Todd E. Kiser

7

8 **LONG TITLE**

9 **General Description:**

10 This bill increases the amount of litigation expenses a small business can collect when
11 a court finds that a state action was undertaken without substantial justification.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ increases the maximum amount of litigation expenses that a small business can
15 collect from the state when the state undertakes legal action against a small
16 business without substantial justification; and
17 ▶ makes technical corrections.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **78B-8-503**, as renumbered and amended by Laws of Utah 2008, Chapter 3

25

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

27 Section 1. Section **78B-8-503** is amended to read:

28 **78B-8-503. Definitions.**

29 As used in this part:

30 (1) "Prevail" means to obtain favorable final judgment, the right to all appeals having
31 been exhausted, on the merits, on substantially all counts or charges in the action and with
32 respect to the most significant issue or set of issues presented, but does not include the
33 settlement of any action, either by stipulation, consent decree or otherwise, whether or not
34 settlement occurs before or after any hearing or trial.

35 (2) "Reasonable litigation expenses" means court costs, administrative hearing costs,
36 attorney fees, and witness fees of all necessary witnesses, not in excess of [~~\$10,000;~~ \$25,000
37 which a court finds were reasonably incurred in opposing action covered under this ~~[act]~~ part.

38 (3) "Small business" means a commercial or business entity, including a sole
39 proprietorship, which does not have more than 250 employees, but does not include an entity
40 which is a subsidiary or affiliate of another entity which is not a small business.

41 (4) "State" means any department, board, institution, hospital, college, or university of
42 the state of Utah or any political subdivision thereof, except with respect to ~~[antitrust]~~
43 brought under [~~Title 76, Chapter 10, Part 9~~] the Utah Antitrust Act, Section 76-10-911, et seq.