

1 **APPELLATE BOND FOR STATE ENTITIES**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Brad L. Dee

7 **LONG TITLE**

8 **General Description:**

9 This bill requires that municipalities post a bond on appeal of a judgment over
10 \$5,000,000.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires that municipalities post a bond on appeal of a judgment over \$5,000,000.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides an immediate effective date.

18 **Utah Code Sections Affected:**

19 REPEALS AND REENACTS:

20 **78B-5-805**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

23 Section 1. Section **78B-5-805** is repealed and reenacted to read:

24 **78B-5-805. State, state officers, and political subdivisions not required to give**
25 **bond -- Exception for appeal.**

26 (1) Except as provided in Subsection (3), the state, any state officer acting in an official
27 capacity on behalf of the state, or any county, city, or public corporation may not be required to
28 post a bond, written undertaking, or security in order to pursue a civil action.

29 (2) Upon compliance with the other provisions of the law, the state, any state officer

30 acting in an official capacity, or any county, city, or other public corporation, has the same
31 rights, remedies, and benefits as if the bond, undertaking, or security were given and approved
32 as required by law.

33 (3) A municipality is not exempt from the requirement of posting a bond, obligation, or
34 other security when appealing a judgment for any amount in excess of \$5,000,000. To stay the
35 enforcement of any judgment over \$5,000,000, a municipality shall be required to post security
36 with the appellate court in the amount by which the judgment exceeds the sum of \$5,000,000
37 and for any interest that may accrue during the appeal.

38 Section 2. **Effective date.**

39 If approved by two-thirds of all the members elected to each house, this bill takes effect
40 upon approval by the governor, or the day following the constitutional time limit of Utah
41 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
42 the date of veto override.