

ADMINISTRATIVE APPEALS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Jon Hawkins

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

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:

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

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

(i) the administrative remedies are inadequate; or

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

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

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

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

(b) The petition shall:

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

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

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