

Senate Judiciary, Law Enforcement, and Criminal Justice Committee
02/24/2026

Bill: 1st substitute HB 307 - Attorney Fees Amendments

Sponsor: Representative Loubet
Floor Sponsor: Senator Brammer

UASD Position: Support

This Bill addresses attorney fees.

Discussion: HB 307 clarifies and strengthens Utah law governing the award of attorney fees in civil cases by emphasizing consequences for bad-faith and frivolous litigation. The bill provides that a court may or must award reasonable attorney fees to the prevailing party, including governmental entities, if the court finds that the opposing party's claim, defense, or motion was frivolous, lacked a reasonable basis in law or fact, or was brought in bad faith. Bad faith is defined to include situations where a party lacked an honest belief in the merits of its position, sought to take unconscionable advantage of another, or acted with knowledge that the action would hinder, delay, or defraud. The Bill does not create an automatic fee award based solely on prevailing status. Instead, fees are tied to a judicial finding of improper litigation conduct, while preserving limited judicial discretion in certain circumstances, such as indigence.

Senator Brammer asked how a court would analyze whether conduct constitutes bad faith. The sponsor explained that, as outlined on lines 1405–1411, after a motion is filed in a lawsuit, the injured party must demonstrate that the claim or action was frivolous and brought for the purpose of harassing or abusing the judicial process. The court would then review the evidence presented by both parties and determine whether the standard is met before awarding attorney fees. No members of the public commented.

Yeas: 6

Nays: 0

N/V: 3

Outcome: 1st substitute HB 307 passed out of the Committee with a favorable recommendation and was placed on the consent calendar.

Bill: 2nd substitute HB 319 - Electronic Records Amendments

Sponsor: Representative Cutler
Floor Sponsor: Senator Harper

UASD Position: Support

This Bill modifies provisions relating to county recording of documents and digital authentication.

Discussion: The sponsor presented the 2nd substitute, which was adopted by the Committee. The 2nd substitute expands and refines the provisions related to digital authentication and electronic records that were introduced in the 1st substitute. Compared to the earlier version, the 2nd substitute adds detailed standards and processes for how counties may accept and record digitally.

authenticated records, including definitions of digital authentication, requirements for county approval and state archivist review, retention and preservation standards, and audit trail procedures. It also modifies the definitions section to align digital authentication terminology across the Bill and clarifies how digitally authenticated records interact with existing notarial and recording statutes. Additionally, the later version enhances oversight and rulemaking authority for State Archives regarding digital systems, and revises county recorder duties to incorporate digital authentication processes approved under the new standards. The Committee also adopted House Amendment 1 which adds “except as otherwise prohibited by law” to line 214. That language was inadvertently missed in the drafting of the substitute.

The sponsor explained that the Bill establishes a process for digital authentication of documents. It authorizes counties to accept digitally authenticated records as an alternative to traditionally notarized documents, establishes standards for digital authentication, and requires review and approval from the Utah State Archives before a county may implement the process. The Bill provides that digitally authenticated records will have the same legal effect as notarized documents if statutory requirements are met. It also grants rulemaking authority to the State Archivist in consultation with the Utah Division of Technology Services and requires counties to complete an approval process before accepting digitally authenticated records.

Senator Cullimore asked how the process would apply to documents such as plat maps. The sponsor responded that the proposal would replace the remote notarization process with a digital authentication process. When asked what was meant by “eventually”, the sponsor explained that a county would need to submit a proposal to the State Archivist, the Division of Technology Services, and industry stakeholders demonstrating why its proposed system is an improvement. If approved, the county could proceed with digital authentication. In response to whether the Bill establishes a pilot program, the sponsor clarified that it creates a secure authentication process rather than a pilot program and emphasized that this is a county function, not a state mandate. The Bill does not eliminate paper recording. It does provide an optional pathway for counties that wish to move fully digital.

The sponsor confirmed that the Utah County Recorders Association and the Utah Association of Counties were consulted and supported the Bill. The Utah Land Title Association is also supportive of the legislation. Representatives stated that the Bill represents an appropriate and collaborative way for the state to be involved. One member of the public spoke in support and one member of the public spoke in opposition.

Yeas: 5

Nays: 0

N/V: 4

Outcome: 2nd substitute HB 319, as amended, passed out of Committee with a favorable recommendation