



Climate Change Statutes

STATE OF UTAH

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [Climate Change Statutes](#).

Current through the 2010 Legislative Session of the Utah State Legislature.

§ 78B-4-515. Limitation on liability for greenhouse gases.

(1) "Greenhouse gas" means water vapor, carbon dioxide, methane, nitrous oxide, ozone, and chlorofluorocarbons.

(2) A person residing or doing business in this state may not be held liable for damage or injury to another arising out of any actual or potential effect on climate caused by contributions to emissions of greenhouse gases unless it can be proved by clear and convincing evidence that the person has:

(a) violated an enforceable statutory limitation or restriction against emissions of a specific greenhouse gas originating within this state; or

(b) violated the express terms of a valid, enforceable operating, air, or other permit issued by a state or federal regulatory agency that has jurisdiction over the greenhouse gas emissions of the person or business.

(3) The person bringing the action shall:

(a) specify each greenhouse gas emitted by the defendant which is asserted to give rise to the cause of action; and

(b) show by clear and convincing evidence that unavoidable, and identifiable damage or injury has or will result as a direct cause of the defendant's violation of statutory and permitting limits.