

House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 241

SENATE BILL 1346

AN ACT

AMENDING TITLE 12, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4;
RELATING TO CLASS ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 10, Arizona Revised Statutes, is amended
3 by adding article 4, to read:

4 ARTICLE 4. CLASS ACTIONS

5 12-1871. Determination of maintainability; notice; rebuttable
6 presumption; judgment; subclasses

7 A. AFTER THE COMMENCEMENT OF AN ACTION THAT IS BROUGHT AS A CLASS
8 ACTION AND AFTER A HEARING, THE COURT SHALL DETERMINE BY ORDER WHETHER THE
9 ACTION IS TO BE MAINTAINED AS A CLASS ACTION. THE COURT MAY CONDITION,
10 ALTER, AMEND OR WITHDRAW ITS ORDER AT ANY TIME BEFORE THE DECISION ON THE
11 MERITS.

12 B. IF THE COURT FINDS THAT AN ACTION SHOULD BE MAINTAINED AS A CLASS
13 ACTION, THE COURT SHALL CERTIFY THE ACTION IN WRITING, SHALL SET FORTH ITS
14 REASONS AS TO WHY THE ACTION SHOULD BE MAINTAINED AS A CLASS ACTION AND SHALL
15 DESCRIBE ALL EVIDENCE IN SUPPORT OF ITS DETERMINATION.

16 12-1872. Court orders

17 IN THE CONDUCT OF CLASS ACTIONS, THE COURT MAY MAKE ORDERS THAT:

18 1. DETERMINE THE COURSE OF THE PROCEEDINGS OR THAT PRESCRIBE MEASURES
19 TO PREVENT UNDUE REPETITION OR COMPLICATION IN THE PRESENTATION OF EVIDENCE
20 OR ARGUMENT.

21 2. FOR THE PROTECTION OF THE CLASS MEMBERS OR FOR THE FAIR CONDUCT OF
22 THE ACTION, REQUIRE THAT NOTICE BE GIVEN IN ANY MANNER THE COURT DIRECTS TO
23 SOME OR ALL OF THE MEMBERS OF ANY STEP IN THE ACTION, OF THE PROPOSED ENTRY
24 OF JUDGMENT OR OF THE OPPORTUNITY OF MEMBERS TO SIGNIFY WHETHER THEY CONSIDER
25 THE REPRESENTATION TO BE FAIR AND ADEQUATE, TO INTERVENE AND PRESENT CLAIMS
26 AND DEFENSES OR OTHERWISE TO COME INTO THE ACTION.

27 3. IMPOSE CONDITIONS ON THE REPRESENTATIVE PARTIES OR ON INTERVENORS.

28 4. REQUIRE THAT THE PLEADINGS BE AMENDED TO ELIMINATE ALLEGATIONS AS
29 TO REPRESENTATION OF ABSENT PERSONS AND THAT THE ACTION PROCEED ACCORDINGLY.

30 5. DEAL WITH SIMILAR PROCEDURAL MATTERS.

31 6. COMBINE WITH ANY OTHER APPROPRIATE PRETRIAL ORDER.

32 12-1873. Appeals; stay

33 A. THE COURT'S CERTIFICATION OR REFUSAL TO CERTIFY A CLASS ACTION IS
34 APPEALABLE IN THE SAME MANNER AS A FINAL ORDER OR JUDGMENT.

35 B. IF AN APPEAL IS FILED PURSUANT TO THIS SECTION, ALL DISCOVERY AND
36 OTHER PROCEEDINGS SHALL BE STAYED EXCEPT THAT ON MOTION OF A PARTY, THE COURT
37 MAY PERMIT DISCOVERY PROCEEDINGS TO CONTINUE DURING THE PENDENCY OF THE
38 APPEAL.

39 C. AN APPEAL FILED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE
40 ENTITLED TO PREFERENCE.

41 Sec. 2. Applicability

42 Title 12, chapter 10, Arizona Revised Statutes, as added by this act,
43 applies only to causes of action that are filed after the effective date of
44 this act.

~~APPROVED BY THE GOVERNOR JUNE 20, 2013.~~

Passed the House June 13, 2013,

Passed the Senate March 6, 2013,

by the following vote: 35 Ayes,

by the following vote: 26 Ayes,

24 Nays, 1 Not Voting

2 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of
_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1346

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State
this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate June 14, 20 13

by the following vote: 16 Ayes,

13 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

17 day of June, 20 13

at 8:25 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 20th day of

[Signature]

at 12:03 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 20th day of June, 20 13

S.B. 1346

at 2:12 o'clock [Signature] M.

[Signature]
Secretary of State