

33 from the injury caused by the wrongdoer and which occurred prior to death of the injured party
34 from the unrelated cause. The general damages available under the circumstances described in
35 this Subsection (1)(b) may not exceed \$100,000.

36 (c) If the death of the injured party from an unrelated cause occurs more than six
37 months after the incident giving rise to the claim for damages, the claim shall be limited to
38 special damages unless, prior to the injured party's death:

39 (i) written notice of intent to hold the wrongdoer responsible has been mailed to or
40 served upon the wrongdoer or the wrongdoer's insurance carrier or the uninsured motorist
41 carrier of the injured party, and proof of mailing or service can be produced upon request; or

42 (ii) a claim for damages against the wrongdoer or against the uninsured motorist carrier
43 of the injured party is the subject of ongoing negotiations between the parties or persons
44 representing the parties or their insurers.

45 (d) A subsequent claim against an underinsured motorist carrier for which the injured
46 party was a covered person is not subject to the notice requirement described in Subsection
47 (1)(c).

48 ~~[(e) In no event shall the general damage award exceed \$100,000 regardless of~~
49 ~~available liability, uninsured or underinsured motor vehicle coverage.]~~

50 (2) Under Subsection (1) neither the injured person nor the personal representatives or
51 heirs of the person who dies may recover judgment except upon competent satisfactory
52 evidence other than the testimony of the injured person.

53 (3) This section may not be construed to be retroactive.