

32B-15-301 Cause of action -- Statute of limitations.

- (1)
 - (a) A person who suffers an injury under Section 32B-15-201 has a cause of action against the person who provided the alcoholic product in violation of Section 32B-15-201.
 - (b) If a person having rights or liabilities under this chapter dies, the rights or liabilities provided by this chapter survive to or against that person's estate.
- (2) The total amount that may be awarded to any person pursuant to a cause of action for injury and damage under this chapter that arises after January 1, 2010, is limited to \$1,000,000 and the aggregate amount which may be awarded to all persons injured as a result of one occurrence is limited to \$2,000,000.
- (3) An action based upon a cause of action under this chapter shall be commenced within two years after the date of the injury and damage.
- (4)
 - (a) Nothing in this chapter precludes any cause of action or additional recovery against the person causing the injury.
 - (b) A cause of action or additional recovery against the person causing the injury and damage, which action is not brought under this chapter, is exempt from the damage cap in Subsection (2).
 - (c) A cause of action brought under this chapter is exempt from Sections 78B-5-817 through 78B-5-823.
- (5) This section does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

Enacted by Chapter 276, 2010 General Session