

- 1 (b) The notice of claim shall be:
- 2 (i) signed by the person making the claim or that person's agent, attorney, parent, or legal
- 3 guardian; and
- 4 (ii) directed and delivered to ~~[the responsible governmental entity according to the~~
- 5 ~~requirements of Section 63-30-12 or 63-30-13.];~~
- 6 (A) the city or town recorder, when the claim is against an incorporated city or town;
- 7 (B) the county clerk, when the claim is against a county;
- 8 (C) the superintendent or business administrator of the board, when the claim is against
- 9 a school district or board of education;
- 10 (D) the president or secretary of the board, when the claim is against a special district;
- 11 (E) the attorney general, when the claim is against the State of Utah; or
- 12 (F) a member of the governing board, the executive director, or executive secretary, when
- 13 the claim is against any other public board, commission, or body.

14 (4) (a) If the claimant is under the age of majority, or mentally incompetent and without

15 a legal guardian at the time the claim arises, the claimant may apply to the court to extend the time

16 for service of notice of claim.

17 (b) (i) After hearing and notice to the governmental entity, the court may extend the time

18 for service of notice of claim.

19 (ii) The court may not grant an extension that exceeds the applicable statute of limitations.

20 (c) In determining whether or not to grant an extension, the court shall consider whether

21 the delay in serving the notice of claim will substantially prejudice the governmental entity in

22 maintaining its defense on the merits.

23 Section 2. Section **63-30-12** is amended to read:

24 **63-30-12. Claim against state or its employee -- Time for filing notice.**

25 A claim against the state, or against its employee for an act or omission occurring during

26 the performance of [his] the employee's duties, within the scope of employment, or under color

27 of authority, is barred unless notice of claim is filed with the attorney general [~~and the agency~~

28 ~~concerned~~] within one year after the claim arises, or before the expiration of any extension of time

29 granted under Section 63-30-11, regardless of whether or not the function giving rise to the claim

30 is characterized as governmental.

31 Section 3. Section **63-30-13** is amended to read:

1 **63-30-13. Claim against political subdivision or its employee -- Time for filing notice.**
2 A claim against a political subdivision, or against its employee for an act or omission
3 occurring during the performance of [his] the employee's duties, within the scope of employment,
4 or under color of authority, is barred unless notice of claim is filed with the governing body of the
5 political subdivision according to the requirements of Section 63-30-11 within one year after the
6 claim arises, or before the expiration of any extension of time granted under Section 63-30-11,
7 regardless of whether or not the function giving rise to the claim is characterized as governmental.

Legislative Review Note
as of 1-12-98 4:18 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel