

**MINUTES OF THE SENATE
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY
STANDING COMMITTEE
WEDNESDAY, FEBRUARY 8, 2006, 2:10 P.M.
ROOM W020, WEST OFFICE BUILDING
STATE CAPITOL COMPLEX**

Members Present: Sen. Sheldon Killpack, Chair
Sen. Curtis Bramble
Sen. Karen Hale
Sen. Scott Jenkins
Sen. Ed Mayne
Sen. Carlene Walker

Staff Present: Mark Steinagel, Policy Analyst
Karen Allred, Secretary

Public Speakers Present: Steve Sullivan, Robert DeBry & Associates
Chris Purcell, State Farm Insurance Co.
Ross Marchant, Farmers Insurance Co.
Gerald Maughan, Chief of Police, Midvale City
Beau Babka, Chief of Police, South Salt Lake
Neil Worsley, Chief of Police, Centerville, Davis County
Jeff Peterson, Explore Information Services
Claron Brenchley, Department of Public Safety
Brian Allen, American Family Insurance
Rolayne Fairclough, AAA Utah
Nanette Rolfe, Director, Driver License Division
Annette Warburton, citizen
Trevor Hansen, citizen

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Killpack called the meeting to order at 2:10 p.m.

Approval of Minutes

MOTION: Sen. Jenkins moved to approve the minutes of February 6, 2006.

The motion passed unanimously with Sens. Walker, Hale and Mayne absent for the vote.

Sen. Bramble assumed the Chair.

1. S.B. 224 Motor Vehicle Insurance Amendments (S. Killpack)

The following amendments were distributed:

1. Page 14, Lines 413 through 414:

413 (iii) any allegations or claims asserting consequential damages or bad faith liability.

(m) The arbitrator or arbitration panel may not conduct arbitration on a class-wide or class-representative basis.

414 ~~{(m)}~~ (n) If the arbitrator or arbitration panel finds that the action was not brought, pursued,

2. Page 14, Line 417:

417 ~~{(n)}~~ (o) An arbitration award issued under this section shall be the final resolution of all

3. Page 14, Lines 423 through 424:

423 under Subsection (8) ~~{(n)}~~ (o) (ii)(A).

424 ~~{(o)}~~ (p) (i) Upon filing a complaint for a trial de novo under Subsection (8) ~~{(n)}~~ (o) ,the claim

4. Page 14, Lines 428 through 430:

428 request a jury trial with a complaint requesting a trial de novo under Subsection (8) ~~{(n)}~~ (o) (ii)(A).

429 ~~{(p)}~~ (q) (i) If the claimant, as the moving party in a trial de novo requested under

430 Subsection (8) ~~{(n)}~~ (o) , does not obtain a verdict that is at least \$5,000 and is at least 20% greater

5. Page 15, Line 433:

433 under Subsection (8) ~~{(n)}~~ (o) , does not obtain a verdict that is at least 20% less than the arbitration

6. Page 15, Line 435:

(iii) Except as provided in Subsection (8) ~~{(p)}~~ (q) (iv), the costs under this Subsection (8) ~~{(p)}~~ (q)

7. *Page 15, Lines 439 through 441:*

439 (iv) An award of costs under this Subsection (8) ~~{(p)}~~ (q) may not exceed
\$2,500.

440 ~~{(q)}~~ (r) For purposes of determining whether a party's verdict is greater or
less than the

441 arbitration award under Subsection (8) ~~{(p)}~~ (q) , a court may not consider any
recovery or other relief

8. *Page 15, Line 446:*

446 ~~{(r)}~~ (s) If a district court determines, upon a motion of the nonmoving
party, that the

9. *Page 15, Line 450:*

450 ~~{(s)}~~ (t) Nothing in this section is intended to limit any claim under any
other portion of an

10. *Page 15, Line 452:*

452 ~~{(t)}~~ (u) If there are multiple uninsured motorist policies, as set forth in
Subsection (7), the

11. *Page 21, Lines 643 through 644:*

643 (iii) any allegations or claims asserting consequential damages or bad faith liability.

(m) The arbitrator or arbitration panel may not conduct arbitration on a
class-wide or class-representative basis.

644 ~~{(m)}~~ (n) If the arbitrator or arbitration panel finds that the action was not
brought, pursued,

12. *Page 21, Line 647:*

647 ~~{(n)}~~ (o) An arbitration award issued under this section shall be the final
resolution of all

13. *Page 22, Lines 653 through 654:*

653 under Subsection (7) ~~{(n)}~~ (o) (ii)(A).

654 ~~{(o)}~~ (p) (i) Upon filing a complaint for a trial de novo under Subsection
(7) ~~{(n)}~~ (o) , the claim

14. Page 22, Lines 658 through 660:

658 request a jury trial with a complaint requesting a trial de novo under Subsection
(7) ~~{(n)}~~ (o) (ii)(A).
659 ~~{(p)}~~ (q) (i) If the claimant, as the moving party in a trial de novo requested
under
660 Subsection (7) ~~{(n)}~~ (o) , does not obtain a verdict that is at least \$5,000 and is at
least 20% greater

15. Page 22, Line 663:

663 under Subsection (7) ~~{(n)}~~ (o) , does not obtain a verdict that is at least 20% less
than the arbitration

16. Page 22, Line 665:

665 (iii) Except as provided in Subsection (7) ~~{(p)}~~ (q) (iv), the costs under this
Subsection (7) ~~{(p)}~~ (q)

17. Page 22, Lines 669 through 671:

669 (iv) An award of costs under this Subsection (7) ~~{(p)}~~ (q) may not exceed
\$2,500.
670 ~~{(q)}~~ (r) For purposes of determining whether a party's verdict is greater or
less than the
671 arbitration award under Subsection (7) ~~{(p)}~~ (q) , a court may not consider any
recovery or other relief

18. Page 22, Line 676:

676 ~~{(r)}~~ (s) If a district court determines, upon a motion of the nonmoving
party, that the

19. Page 23, Line 680:

680 ~~{(s)}~~ (t) Nothing in this section is intended to limit any claim under any
other portion of an

20. Page 23, Line 682:

682 ~~{(t)}~~ (u) If there are multiple underinsured motorist policies, as set forth in
Subsection (3),

MOTION: Committee Chair Killpack moved to adopt the amendments.

The motion passed unanimously with Sens. Walker, Hale and Mayne absent for the vote.

Committee Chair Killpack explained the bill.

Steve Sullivan, Robert DeBry & Associates, and Chris Purcell, State Farm Insurance, spoke in support of the bill.

Ross Marchant, Farmers Insurance, spoke to the bill.

MOTION: Committee Chair Killpack moved to pass the bill out favorably as amended.

The motion passed unanimously with Sens. Walker, Hale and Mayne absent for the vote.

Committee Chair Killpack resumed the chair.

2. S.B. 256 Transit Security Amendments (C. Bramble)

Sen. Bramble explained the bill.

Sen. Hale assumed the Chair.

Gerald Maughan, Chief of Police, Midvale City; Beau Babka, Chief of Police, South Salt Lake; and Neil Worsley, Chief of Police, Centerville, spoke in support of the bill.

Committee Chair Killpack resumed the Chair.

MOTION: Sen. Walker moved to pass the bill out favorably.

The motion passed unanimously with Sen. Mayne absent for the vote.

3. S.B. 88 Disclosure of Driver License Records (M. Madsen)

MOTION: Sen. Jenkins moved to adopt **1st Sub. S.B. 88**.

The motion passed unanimously with Sens. Bramble and Mayne absent for the vote.

Sen. Madsen explained the bill.

Jeff Peterson, Explore information Services; Claron Brenchley, Department of Public Safety; Brian Allen, American Family Insurance; Rolayne Fairclough, AAA Utah; and Nanette Rolfe, Director, Driver License Division, spoke in support of the bill.

MOTION: Sen. Jenkins moved to pass **1st Sub. S.B. 88** out favorably.

The motion passed unanimously with Sen. Bramble absent for the vote.

4. S.B. 193 Speed Contest or Exhibition Amendments (K. Hale)

Sen. Hale explained the bill and presented a news clip on Speed Contests.

Annette Warburton, citizen, and Trevor Hansen, citizen, spoke in support of the bill.

Sen. Hale further clarified the bill.

MOTION: Sen. Walker moved to pass the bill out favorably.

The motion passed with Sen. Jenkins voting in opposition to the bill and Sen. Bramble absent for the vote.

5. H.B. 73 K. Gunn McKay Highway Designation (N. Hansen)

Rep. Hansen explained the bill.

MOTION: Sen. Walker moved to pass the bill out favorably.

The motion passed unanimously with Sen. Bramble absent for the vote.

MOTION: Sen. Jenkins moved that the bill be placed on the Consent Calendar.

The motion passed unanimously with Sen. Bramble absent for the vote.

6. H.B. 234 Seat Belt Amendments (J. Murray)

Rep. Murray explained the bill.

MOTION: Sen. Walker moved to pass the bill out favorably.

The motion passed with Sen. Jenkins voting in opposition to the bill and Sens. Bramble and Mayne absent for the vote.

MOTION: Sen. Hale moved to adjourn.

The motion passed unanimously at 3:15 p.m. with Sens. Bramble and Mayne absent for the vote.

Sen. Sheldon L. Killpack, Committee Chair