

**STATUTE OF LIMITATIONS FOR BODILY
INJURY**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: _____

LONG TITLE

General Description:

This bill changes the statute of limitations for bodily injury.

Highlighted Provisions:

This bill:

- ▶ reduces the statute of limitations for bodily injury from four years to three years.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-12-26, as last amended by Chapter 79, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-12-26** is amended to read:

78-12-26. Within three years.

An action may be brought within three years:

- (1) for waste, or trespass upon or injury to real property; except that when waste or trespass is committed by means of underground works upon any mining claim, the cause of



28 action does not accrue until the discovery by the aggrieved party of the facts constituting [~~such~~]
29 the waste or trespass;

30 (2) for taking, detaining, or injuring personal property, including actions for specific
31 recovery thereof; except that in all cases where the subject of the action is a domestic animal
32 usually included in the term "livestock," which at the time of its loss has a recorded mark or
33 brand, if the animal strayed or was stolen from the true owner without the owner's fault, the
34 cause does not accrue until the owner has actual knowledge of [~~such~~] the facts as would put a
35 reasonable man upon inquiry as to the possession of the animal by the defendant;

36 (3) for relief on the ground of fraud or mistake; except that the cause of action [~~in such~~]
37 ~~case~~] does not accrue until the discovery by the aggrieved party of the facts constituting the
38 fraud or mistake;

39 (4) for a liability created by the statutes of this state, other than for a penalty or
40 forfeiture under the laws of this state, except where in special cases a different limitation is
41 prescribed by the statutes of this state;

42 (5) to enforce liability imposed by Section 78-17-3, except that the cause of action does
43 not accrue until the aggrieved party knows or reasonably should know of the harm suffered[-];

44 or

45 (6) for bodily injury to a person for which an action may be brought for recovery of
46 damages.

Legislative Review Note
as of 1-23-07 5:24 PM

Office of Legislative Research and General Counsel

S.B. 164 - Statute of Limitations for Bodily Injury

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/29/2007, 10:45:30 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst