

WRONGFUL DEATH CLAIMS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill provides that wrongful death claims of children will be handled in the same manner as the wrongful death claims of adults.

Highlighted Provisions:

This bill:

► provides that wrongful death claims of children will be handled in the same manner as the wrongful death claims of adults.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-3-106, as renumbered and amended by Laws of Utah 2008, Chapter 3

REPEALS:

78B-3-102, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-3-106** is amended to read:

78B-3-106. Death of adult -- Suit by heir or personal representative.



28 (1) Except as provided in Title 34A, Chapter 2, Workers' Compensation Act, when the
29 death of a person [~~who is not a minor~~] is caused by the wrongful act or neglect of another, his
30 heirs, or his personal representatives for the benefit of his heirs, may maintain an action for
31 damages against the person causing the death, or, if the person is employed by another person
32 who is responsible for his conduct, then against the other person.

33 (2) If the adult person has a guardian at the time of his death, only one action may be
34 maintained for the person's injury or death.

35 (3) The action may be brought by either the personal representatives of the adult
36 deceased person, for the benefit of the person's heirs, or by the guardian for the benefit of the
37 heirs, as defined in Section 78B-3-105.

38 **Section 2. Repealer.**

39 This bill repeals:

40 **Section 78B-3-102, Injury or death of child -- Suit by parent or guardian.**

Legislative Review Note
as of 2-6-09 10:01 AM

Office of Legislative Research and General Counsel

H.B. 329 - Wrongful Death Claims

Fiscal Note

2009 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 businesses or local governments. Heirs of children killed by wrongful acts or neglect may benefit by provisions of the bill.
