

DEPARTMENT OF TRANSPORTATION LIABILITY

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Derek E. Brown

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to the Department of Transportation's duty for liability purposes.

Highlighted Provisions:

This bill:

► provides that the Department of Transportation shall exercise reasonable care in designing, constructing, and maintaining a state highway in a reasonably safe condition for travel;

► provides that nothing in the Department of Transportation's defined responsibilities shall be construed as :

- creating a private right of action; or
- expanding or changing the department's common law duty for liability purposes;

and

- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



59 funds to maintain the state highway construction program as prioritized by the commission.

60 (2) ~~H~~→ [~~S~~→f] (a) The department shall exercise reasonable care in designing, constructing,

60a and

61 maintaining a state highway in a reasonably safe condition for travel.

62 (b) Nothing in this section shall be construed as:

63 (i) creating a private right of action; or

64 (ii) expanding or changing the department's common law duty as described in

65 Subsection (2)(a) for liability purposes. [f] [Nothing in this section shall be construed as expanding or

65a changing the department's common law duty of care for liability purposes. ←S] ←H

Legislative Review Note
as of 1-23-13 3:52 PM

Office of Legislative Research and General Counsel