

398 (3) as applicable, that supersedes the duties described in Subsection 16-10a-840(1).

399 Section 18. Section **13-64-202** is enacted to read:

400 **13-64-202. Cause of action.**

401 (1) A person may bring an action in a court of competent jurisdiction for:

402 (a) a breach of the fiduciary duty described in Section 13-64-201; or

403 (b) an out-of-state attorney's breach of a fiduciary duty arising from an attorney-client  
404 relationship.

405 (2) If a court of competent jurisdiction finds that a person breached a fiduciary duty  
406 described in this chapter, the person who brings an action described in Subsection (1) is  
407 entitled to:

408 (a) actual damages;

409 (b) punitive damages;

410 (c) injunctive relief;

411 (d) attorney fees; or

412 (e) any combination of relief described in Subsections (2)(a) through (2)(d).

413 Section 19. Section **76-10-3201** is amended to read:

414 **76-10-3201. Prohibition on kickbacks.**

415 (1) As used in this section:

416 (a) "Kickback or bribe" means a rebate, compensation, or any other form of  
417 remuneration, that is:

418 (i) direct or indirect;

419 (ii) overt or covert; or

420 (iii) in cash or in kind.

421 (b) "Kickback or bribe" does not include:

422 (i) a fee that is:

423 ~~[(i)]~~ (A) shared between two or more individuals, each of whom is licensed to practice  
424 law; and

425 ~~[(ii)]~~ (B) charged for services provided in the individual's capacity as a licensee  
426 described in Subsection (1)(b)(i)~~[-]; or~~

427 (ii) payment for medical services ~~Ĥ→~~ **rendered** ~~←Ĥ~~ .

428 (2) (a) An actor may not solicit or receive a kickback or bribe in return for the referral