

1 **Limitations on Liability Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill provides liability protection in some circumstances in relation to transportation  
6 provided for behavioral health care.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ provides definitions;

10 ▶ provides limitations on liability, in some circumstances, for a behavioral health care  
11 provider that provides transportation services for a minor for the purposes of providing  
12 access to treatments;

13 ▶ permits a behavioral health care provider to contract with a parent of a minor who is  
14 receiving services from the behavioral health provider in order to limit the behavioral  
15 health care provider's liability, with some limitations; and

16 ▶ provides exceptions to liability limitations.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **78B-4-519**, Utah Code Annotated 1953

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

26 Section 1. Section **78B-4-519** is enacted to read:

27 **78B-4-519 . Limitation on liability for behavioral health transportation.**

28 (1) As used in this part:

29 (a) "Behavioral health provider" means:

30 (i) an individual who is licensed to practice under Title 58, Chapter 60, Mental

- 31           Health Professional Practice Act, or Title 58, Chapter 61, Psychologist Licensing  
32           Act;
- 33           (ii) a business entity that employs an individual described in Subsection (1)(a)(i); or  
34           (iii) a business entity through which an individual described in Subsection (1)(a)(i)  
35           provides behavioral health services.
- 36           (b) "Damage or injury" means physical, nonphysical, mental, emotional, economic, or  
37           noneconomic harm or loss, including death.
- 38           (c) "Minor" means an individual who is under 18 years old, is not emancipated, and is a  
39           client of a behavioral health provider.
- 40           (d) "Motor vehicle" means a self-propelled vehicle intended primarily for transporting  
41           two or more individuals and for use and operation on a street or highway.
- 42           (e) "Parent" means:
- 43           (i) the biological or adoptive parent of a minor who has the right to exercise parental  
44           rights in relation to the minor;
- 45           (ii) an individual who has been appointed guardian of the minor by a written  
46           instrument or court order; or
- 47           (iii) an individual who is legally entitled to act on behalf of the minor.
- 48           (f) "Service charge" means a payment assessed for transportation services that is payable  
49           by the parent of a minor to:
- 50           (i) a behavioral health provider;
- 51           (ii) an entity that has contracted with the behavioral health provider to provide  
52           transportation services; or
- 53           (iii) an agent of the behavioral health provider.
- 54           (g) "Transportation services" means transportation:
- 55           (i) of a minor:
- 56           (A) between the minor's residence and a treatment location of a behavioral health  
57           care provider; or
- 58           (B) between locations at which behavioral health treatment services are being  
59           performed; and
- 60           (ii) that is provided without a service charge.
- 61           (2) It shall be presumed a parent is aware of and understands that there are inherent risks  
62           associated with having a minor travel in a motor vehicle, and that a parent is capable of  
63           weighing the benefits and risks of utilizing a transportation service for the benefit of a  
64           minor.

- 65 (3) A parent may enter into an agreement with a behavioral health provider before an injury  
66 from a motor vehicle accident to waive a claim for damage or injury to the parent's child  
67 resulting from negligence in a motor vehicle accident.
- 68 (4) A behavioral health provider shall not be liable for damage or injury incurred by a  
69 minor while the minor is receiving transportation services, unless:
- 70 (a) the behavioral health provider has failed to obtain a waiver of liability from a parent  
71 with respect to the transportation services as described in Subsection (2);
- 72 (b) the behavioral health provider utilizes an employee for the transportation services  
73 who is not licensed to drive a motor vehicle;
- 74 (c) the motor vehicle used by the behavioral health provider's employee does not carry at  
75 least the minimum liability insurance required by Utah law against which a claim for  
76 damage or injury may be filed up to the liability insurance policy limits; or
- 77 (d) the behavioral health provider or the behavioral health provider's employee was  
78 grossly negligent or willfully, wantonly, or intentionally disregarded the safety of a  
79 minor while providing transportation services.

80 Section 2. **Effective Date.**

81 This bill takes effect on May 7, 2025.