

# SB0074S02 compared with SB0074

{Omitted text} shows text that was in SB0074 but was omitted in SB0074S02

inserted text shows text that was not in SB0074 but was inserted into SB0074S02

**DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.**

## 1                                    **{Seat Belt}** **Motor Vehicle** Civil Action Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

House Sponsor:



2

### 3 **LONG TITLE**

#### 4 **General Description:**

5        This bill {~~amends seat belt laws to allow the misuse of or failure to use a seat belt to be considered~~  
6 } enacts requirements for {~~contributory or comparative negligence in civil litigation~~} a time-limited  
7 demand letter.

#### 6 **Highlighted Provisions:**

7        This bill:

- 8            ▶ {~~amends the Traffic Code to allow the misuse of or failure to use a seat belt to be~~  
9 ~~considered as contributory or comparative negligence in civil litigation.~~}
- 10           ▶ enacts requirements for a time-limited demand letter related to a motor vehicle insurance  
11 claim;
- 12           ▶ provides parameters and timing for a time-limited demand letter; and
- 13           ▶ addresses an insurer's duties and an insured's rights and remedies in relation to a time-  
14 limited demand letter.

#### 13 **Money Appropriated in this Bill:**

14        None

## SB0074 compared with SB0074S02

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 ENACTS:

19 **31A-22-323 , Utah Code Annotated 1953**

---

AMENDS:

17 **{41-6a-1806 , as renumbered and amended by Laws of Utah 2005, Chapter 2}**

---

---

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

22 Section 1. Section 1 is enacted to read:

23 **31A-22-323. Time-limited demand letter -- Requirements.**

- 24 (1) A person issuing a time-limited demand to settle any claim under this part shall ensure that the  
25 letter:
- 26 (a) is in writing;
- 27 (b) is labeled as a time-limited demand to settle;
- 28 (c) references this section; and
- 29 (d) contains material terms, including:
- 30 (i) the time period within which the demand is required to be accepted, which shall be no fewer than 45  
31 days from the date on which the letter is received by certified mail;
- 32 (ii) a clear and unequivocal offer to settle all claims within policy limits, including the satisfaction of all  
33 known liens;
- 34 (iii) an offer for a complete release from the claimant of all present and future claims arising from the  
35 occurrence against the insured;
- 36 (iv) the date and location of the loss;
- 37 (v) the claim number, if known;
- 38 (vi) a description of all known injuries alleged to have been sustained by the claimant;
- 39 (vii) reasonable proof of injury sufficient to demonstrate that the claimant sustained an actual injury  
40 arising from the occurrence, including:
- 41 (A) medical records;
- 42 (B) billing statements; and
- 43 (C) sworn statements or other documentation supporting the existence of the injury; and
- 44

## SB0074 compared with SB0074S02

- 46 (viii) if the demand references or suggests the possibility of placing a judicial lien against personal  
property, a plain-language explanation of the process for obtaining a judicial lien and a statement  
advising the insured of the insured's right to consult independent legal counsel.
- 50 (2) The reasonable proof of injury described in Subsection (1)(a)(vii) does not require proof, valuation,  
or quantification of non-economic damages, including pain and suffering.
- 53 (3) If the insurer or insured reasonably determines that a demand letter fails to include required material  
information, the insurer or insured may provide written notice identifying the deficiency, and the  
response period is tolled until the deficiency is cured.
- 56 (4)
- (a) Within a reasonable time after receipt of a time-limited demand letter that complies with this  
section, the liability insurer shall provide the insured with a written disclosure stating:
- 59 (i) whether the insurer agrees to defend the insured against the claim; and
- 60 (ii) whether the insurer agrees to indemnify the insured for any judgment or settlement arising from  
the claim, including whether such indemnification is limited to the applicable policy limits.
- 63 (b) A disclosure made under this Subsection (4):
- 64 (i) does not expand, reduce, or modify coverage under the insurance policy; and
- 65 (ii) is intended solely to provide clarity to the insured regarding the insurer's position.
- 66 (5)
- (a) A time-limited demand to settle a claim under this section may not include demands for economic  
damages in amounts that exceed the economic damages reasonably supported by the documentation  
provided with the demand.
- 69 (b) Nothing in this subsection requires documentation or valuation of non-economic damages.
- 71 (6) Nothing in this section may be construed to alter, limit, or waive:
- 72 (a) an insurer's duty to act in good faith and deal fairly with the insurer's insured; or
- 73 (b) any rights or remedies available to an insured arising from an insurer's failure to accept a reasonable  
settlement offer within applicable policy limits.

20 ~~{Section 1. Section 41-6a-1806 is amended to read: }~~

### 21 **41-6a-1806. Compliance -- Civil litigation.**

The misuse or failure to use a child restraint device or misuse or failure to wear a safety  
belt:

24

## SB0074 compared with SB0074S02

(1) [~~does not~~] may constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and

26 (2) may [~~not~~] be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

75 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-11-26 9:59 AM