

Calvin R. Musselman proposes the following substitute bill:

1 **Motor Vehicle Civil Action Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

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- 10 ▶ enacts requirements for a time-limited demand letter related to a motor vehicle insurance
- 11 claim; and
- 12 ▶ amends the Traffic Code to allow the misuse of or failure to use a seat belt to be
- 13 considered as contributory or comparative negligence in civil litigation.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 **AMENDS:**

20 **41-6a-1806**, as renumbered and amended by Laws of Utah 2005, Chapter 2

21 **ENACTS:**

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

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

25 Section 1. Section **31A-22-323** is enacted to read:

26 **31A-22-323 . Time-limited demand letter -- Requirements.**

27 (1) A person issuing a time-limited demand to settle any claim under this part shall ensure
28 that the letter:
29 (a) is in writing;

- (b) is labeled as a time-limited demand to settle;
- (c) references this section; and
- (d) contains material terms, including:
 - (i) the time period within which the demand is required to be accepted, which shall be no fewer than 30 days from the date on which the letter is:
 - (A) transmitted by facsimile;
 - (B) transmitted by email; or
 - (C) sent by certified mail;
 - (ii) a clear and unequivocal offer to settle all claims within policy limits, including the satisfaction of all liens;
 - (iii) an offer for a complete release from the claimant for the liability insurer's insureds from all present and future liability for the occurrence;
 - (iv) the date and location of the loss;
 - (v) the claim number, if known;
 - (vi) a description of all known injuries sustained by the claimant;
 - (vii) reasonable proof of injury, which may include medical records or bills, sufficient to support the claim; and
 - (viii) if the demand suggests the possibility of placing a judicial lien against personal property, an explanation of the process for obtaining a judicial lien and the defendant's rights to consult an attorney before discussions with the claimant or claimant's counsel.

(2) A time-limited demand to settle a claim described in Subsection (1) may not include demands that exceed amounts disclosed in the supporting records or bills.

Section 2. Section **41-6a-1806** is amended to read:

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:

- (1) [does not] may constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
- (2) may [not] be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Section 3. Effective Date.

This bill takes effect on May 6, 2026.