

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	R37-4	Filing ID: 57188
Effective date:	05/16/2025	

Agency Information

1. Title catchline:	Government Operations, Risk Management	
Building:	Taylorsville Office Building	
Street address:	4315 S. 2700 W.	
City, state	Taylorsville, Utah	
Contact persons:		
Name:	Phone:	Email:
Brian Jensen	801-957-7170	risk@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R37-4. Adjusted Utah Governmental Immunity Act Limitations on Judgments
4. Purpose of the new rule or reason for the change:
Risk is required to update statutory award limitations under the Governmental Immunity Act, U.C.A. 63G-7 et seq. The amounts are updated biannually by the Office of Legislative Fiscal Analyst and issued by bulletin. The rule change is intended to reflect the amounts beginning 2024.
4. Summary of the new rule or change:
This filing edits the listed amounts under Section R37-4-2 to reflect the figures issued by the Legislative Fiscal Analyst.
6A. The agency finds that regular rulemaking would:
<input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.
B. Specific reasons and justifications for this finding:
Risk is statutorily required to publish updated numbers by July 1, and the rule is amended to bring Risk into compliance with statute.

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The increased amounts required by statute will result in greater sums paid by Risk Management to resolve qualifying claims under the Governmental Immunity Act as limited by the statutory caps. The exact amount of impact is incalculable because the number of future qualifying claims and settlements is presently unknown.
B) Local governments:
The increased amounts required by statute will result in greater sums paid by local governments to resolve qualifying claims under the Governmental Immunity Act as limited by the statutory caps. The exact amount of impact is incalculable because the number of future qualifying claims and settlements is presently unknown.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated fiscal impact as a result of this rule because the rule does not apply to small businesses.
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The increased amounts required by statute will result in greater sums paid to other persons to resolve qualifying claims under the Governmental Immunity Act as limited by the statutory caps. The exact amount of impact is incalculable because the number of future qualifying claims and settlements is presently unknown.
E. Compliance costs for affected persons:
The Division of Risk Management has identified no compliance costs associated with changes to this rule.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

I have reviewed and approved the proposed changes to the rule that has no anticipated impacted on businesses. Marvin Dodge, Executive Director, Division of Government Operations

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 63G-7-605(4)

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-304, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title: Rachel Terry, Risk Manager

Date: 05/15/2025

R37. Government Operations, Risk Management.

R37-4. Adjusted Utah Governmental Immunity Act Limitations on Judgments.

R37-4-1. Authority and Calculation Process.

Pursuant to Subsection 63G-7-605(4) the Risk Manager establishes new limitations of judgments, based upon the adjustments communicated by the Legislative Fiscal Analyst.

R37-4-2. New Limitation of Judgment Amounts.

The new limitation of judgment amounts currently required by Subsection 63G-7-604(3) are increased as follows, pursuant to Section 63G-7-605, and are effective July 1, 20[22]24 for claims occurring on or after that date:

(1) The limit for damages for personal injury against a governmental entity, or against an employee whom a governmental entity has a duty to indemnify, is [~~\$827,000~~]\$911,300 for one person in any one occurrence, and [~~\$3,329,100~~]\$3,668,400 is the aggregate amount of individual awards that be may awarded in relation to a single occurrence; and

(2) The limit for property damages, excluding damages awarded as compensation when a governmental entity has taken or damaged private property for public use without just compensation, against a governmental entity, or against an employee whom a governmental entity has a duty to indemnify, is [~~\$326,200~~]\$366,900 in any one occurrence.

R37-4-3. Limitations of Judgments by Calendar Date.

The limitations on judgments are established by the date of the occurrence. The dates and dollar amounts are as follows:

(1) Incident(s) occurring before July 1, 2001 - \$250,000 for one person in an occurrence, \$500,000 aggregate for two or more persons in an occurrence; and \$100,000 for property damage for any one occurrence.

(2) Incidents occurring on or after July 1, 2001 - \$500,000 for one person in an occurrence, \$1,000,000 aggregate for two or more persons in an occurrence; and \$200,000 for property damage for any one occurrence.

(3) Incidents occurring on or after July 1, 2002 - \$532,500 for one person in an occurrence, \$1,065,000 aggregate for two or more persons in an occurrence; and \$213,000 for property damage for any one occurrence.

(4) Incidents occurring on or after July 1, 2004 - \$553,500 for one person in an occurrence, \$1,107,000 aggregate for two or more persons in an occurrence, and \$221,400 for property damage for any one occurrence.

(5) Incidents occurring on or after July 1, 2006 - \$583,900 for one person in an occurrence, \$1,167,900 aggregate for two or more persons in an occurrence, and \$233,600 for property damage for any one occurrence.

(6) Incidents occurring on or after July 1, 2007 - \$583,900 for one person in an occurrence, \$2,000,000 aggregate for two or more persons in an occurrence, and \$233,600 for property damage for any one occurrence.

(7) Incidents occurring on or after July 1, 2008 - \$620,700 for one person in an occurrence, \$2,126,000 aggregate for two or more persons in an occurrence, and \$248,300 for property damage for any one occurrence.

(8) Incidents occurring on or after July 1, 2010 - \$648,700 for one person in an occurrence, \$2,221,700 aggregate for two or more persons in an occurrence, and \$259,500 for property damage for any one occurrence.

(9) Incidents occurring on or after July 1, 2012 - \$674,000 for one person in an occurrence, \$2,308,400 aggregate for two or more persons in an occurrence, and \$269,700 for property damage for any one occurrence.

(10) Incidents occurring on or after July 1, 2014 - \$703,000 for one person in an occurrence, \$2,407,700 aggregate for two or more persons in an occurrence, and \$281,300 for property damage for any one occurrence.

(11) Incidents occurring on or after July 1, 2016 - \$717,100 for one person in an occurrence, \$2,455,900 aggregate for two or more persons in an occurrence, and \$286,900 for property damage for any one occurrence.

(12) Incidents occurring on or after July 1, 2018 - \$745,200 for one person in an occurrence, \$2,552,000 aggregate for two or more persons in an occurrence, and \$295,000 for property damage for any one occurrence as explained in R37-4-2(2).

(13) Incidents occurring on or after July 1, 2020 - \$779,600 for one person in an occurrence, \$3,138,300 aggregate for two or more persons in an occurrence, and \$307,700 for property damage for any one occurrence as explained in R37-4-2(2).

(14) Incidents occurring on or after July 1, 2022 - \$827,000 for one person in an occurrence, \$3,329,100 aggregate for two or more persons in an occurrence, and \$326,200 for property damage for any one occurrence as explained in R37-4-2(2).

(15) Incidents occurring on or after July 1, 2024 - \$911,300 for one person in an occurrence, \$3,668,400 aggregate for two or more persons in an occurrence, and \$366,900 for property damage for any one occurrence as explained in R37-4-2(2).

KEY: limitation on judgments, risk management, Governmental Immunity Act caps

Date of Last Change: [~~July 1, 2022~~]May 16, 2025

Notice of Continuation: March 21, 2022

Authorizing, and Implemented or Interpreted Law: 63G-7-605(4)

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