

### Part 3 Civil Action

#### **32B-15-301 Cause of action -- Statute of limitations.**

- (1)
  - (a) A person who suffers an injury under Section 32B-15-201 has a cause of action against the person who provided the alcoholic product in violation of Section 32B-15-201.
  - (b) If a person having rights or liabilities under this chapter dies, the rights or liabilities provided by this chapter survive to or against that person's estate.
- (2) The total amount that may be awarded to any person pursuant to a cause of action for injury and damage under this chapter that arises after January 1, 2010, is limited to \$1,000,000 and the aggregate amount which may be awarded to all persons injured as a result of one occurrence is limited to \$2,000,000.
- (3) An action based upon a cause of action under this chapter shall be commenced within two years after the date of the injury and damage.
- (4)
  - (a) Nothing in this chapter precludes any cause of action or additional recovery against the person causing the injury.
  - (b) A cause of action or additional recovery against the person causing the injury and damage, which action is not brought under this chapter, is exempt from the damage cap in Subsection (2).
  - (c) A cause of action brought under this chapter is exempt from Sections 78B-5-817 through 78B-5-823.
- (5) This section does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

Enacted by Chapter 276, 2010 General Session

#### **32B-15-302 Action for contribution by provider of an alcoholic product.**

- (1)
  - (a) Except as provided in Subsections (2) and (3), a person, as defined under Section 32B-15-201 or Subsection 32B-15-202(1), against whom an award is made under this chapter, may bring a separate cause of action for contribution against any person causing the injury and damage.
  - (b) The maximum amount for which a person causing the injury and damage may be liable to a person seeking contribution is that percentage or proportion of the damages equivalent to the percentage or proportion of fault attributed to that person causing the injury and damage.
- (2) This action for contribution under this section may not be brought against:
  - (a) a person entitled to recovery as described in Subsection 32B-15-201(1)(a)(i) or (ii); or
  - (b) a person entitled to recover as described in Subsection 32B-15-201(2)(a)(i) or (ii).
- (3) An action for contribution under this section may not diminish the amount of recovery for injury or damages awarded and received to a person entitled to recover as described in Subsection 32B-15-201(1)(a)(i) or (ii) or 32B-15-201(2)(a)(i) or (ii):
  - (a) in a cause of action brought under this chapter; or
  - (b) in a separate cause of action for injury and damage that is not brought under this chapter.

Enacted by Chapter 276, 2010 General Session

