

Effective 5/8/2018

Superseded 7/21/2018

63G-7-605 Adjustments to limitation of judgment amounts.

(1) As used in this section:

- (a) "Adjusted consumer price factor" means what the consumer price index, as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code, would be without the medical care component and the medical services component.
- (b) "Aggregate limit" means the limit on the aggregate amount of personal injury damages claims from a single occurrence, as provided in Subsection 63G-7-604(1)(d).
- (c) "Individual limit" means the limit on the amount of a judgment for damages for personal injury, as provided in Subsection 63G-7-604(1)(a).
- (d) "Latest aggregate limit" means the aggregate limit, as last adjusted by the risk manager under this section.
- (e) "Latest individual limit" means the individual limit, as last adjusted by the risk manager under this section.
- (f) "Latest property damage limit" means the property damage limit, as last adjusted by the risk manager under this section.
- (g) "Medical care component" means the medical care sub-index of the consumer price index, as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.
- (h) "Medical services component" means the medical services sub-index of the consumer price index, as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.
- (i) "Property damage limit" means the limit on the amount of a judgment for property damage, as provided in Subsection 63G-7-604(1)(c).

(2)

- (a) Each even-numbered year, the legislative fiscal analyst shall, subject to Subsection (3):
 - (i) adjust the individual limit by an amount equal to the sum of:
 - (A) 66.5% of the latest individual limit, multiplied by the adjusted consumer price factor;
 - (B) 16.75% of the latest individual limit, multiplied by the medical care component; and
 - (C) 16.75% of the latest individual limit, multiplied by the medical services component;
 - (ii) adjust the aggregate limit by an amount equal to the sum of:
 - (A) 66.5% of the latest aggregate limit, multiplied by the adjusted consumer price factor;
 - (B) 16.75% of the latest aggregate limit, multiplied by the medical care component; and
 - (C) 16.75% of the latest aggregate limit, multiplied by the medical services component;
 - (iii) adjust the property damage limit as a percentage equal to the percentage increase or decrease in the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code; and
 - (iv) no later than May 1, communicate the adjusted limits under Subsections (2)(a)(i), (ii), and (iii) to the risk manager.
- (b) The legislative fiscal analyst shall round up to the nearest \$100 the individual limit, aggregate limit, and property damage limit adjusted under Subsection (2)(a).

(3) The legislative fiscal analyst may not adjust an individual limit or aggregate limit under Subsection (2) if the adjustment results in a decrease in the amount of the limit.

(4)

- (a) Each even-numbered year, the risk manager shall make rules, to become effective no later than July 1 of that year, that establish a new individual limit, aggregate limit, and property damage limit, as adjusted under Subsection (2).

- (b) An adjustment to the individual limit, aggregate limit, or property damage limit under this section has prospective effect only from the date the rules establishing the new limit take effect.
- (c) An individual limit, aggregate limit, or property damage limit, as adjusted under this section, applies only to a claim for injury or loss that occurs after the effective date of the rules that establish the adjusted limit.