

## Part 7 Utah Product Liability Act

### **78B-6-701 Title.**

This part is known and may be cited as the "Utah Product Liability Act."

Renumbered and Amended by Chapter 3, 2008 General Session

### **78B-6-702 Definitions.**

As used in this part:

- (1) "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.
- (2) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.
- (3) "State of the art knowledge" means the technical, mechanical, and scientific knowledge of manufacturing, designing, testing, or labeling the same or similar products that was in existence and reasonably feasible for use at the time of manufacture.
- (4) "Unreasonably dangerous" means that the product was dangerous to an extent beyond which would be contemplated by the ordinary and prudent buyer, consumer, or user of that product in that community considering the product's characteristics, propensities, risks, dangers, and uses together with any actual knowledge, training, or experience possessed by that particular buyer, user, or consumer.

Amended by Chapter 286, 2026 General Session

### **78B-6-703 Defect or defective condition making product unreasonably dangerous -- Rebuttable presumption.**

- (1) In any action for damages for personal injury, death, or property damage allegedly caused by a defect in a product other than an ADS-dedicated vehicle or an ADS-equipped vehicle described in Subsections (3) and (4), a product may not be considered to have a defect or to be in a defective condition, unless at the time the product was sold by the manufacturer or other initial seller, there was a defect or defective condition in the product which made the product unreasonably dangerous to the user or consumer.
- (2) There is a rebuttable presumption that a product described in Subsection (1) is free from any defect or defective condition where the alleged defect in the plans or designs for the product or the methods and techniques of manufacturing, inspecting and testing the product were in conformity with government standards established for that industry which were in existence at the time the plans or designs for the product or the methods and techniques of manufacturing, inspecting and testing the product were adopted.
- (3) In any action for damages for personal injury, death, or property damage allegedly caused by a defect in the automated driving system operation of a level four ADS or level five ADS of an ADS-equipped vehicle or an ADS-dedicated vehicle, the automated driving system may not be considered to have a defect or to be in a defective condition, unless the plaintiff proves by a preponderance of the evidence that:
  - (a) a reasonable and feasible alternative design existed at the time the level four ADS or level five ADS was designed and manufactured; and
  - (b) the use of the automated driving system, at scale and in the aggregate, causes more injuries to persons than would be caused by humans performing a similar task, at scale and in the aggregate, without an automated driving system.

- (4) There is a rebuttable presumption that a level four ADS or level five ADS is free from any defect or defective condition if the automated driving system:
- (a) conforms to all applicable U.S. federal motor vehicle safety, bumper, and theft prevention standards in effect on the date of the vehicle's manufacture; and
  - (b) was authorized for use or operation in the state.

Amended by Chapter 286, 2026 General Session

**78B-6-704 Prayer for damages.**

No dollar amount shall be specified in the prayer of a complaint filed in a product liability action against a product manufacturer, wholesaler or retailer. The complaint shall merely pray for such damages as are reasonable in the premises.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-6-705 Alteration or modification of product after sale as substantial contributing cause -- Manufacturer or seller not liable.**

For purposes of Section 78B-5-818, fault shall include an alteration or modification of the product, which occurred subsequent to the sale by the manufacturer or seller to the initial user or consumer, and which changed the purpose, use, function, design, or intended use or manner of use of the product from that for which the product was originally designed, tested, or intended.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-6-706 Statute of limitations.**

A civil action under this part shall be brought within two years from the time the individual who would be the claimant in the action discovered, or in the exercise of due diligence should have discovered, both the harm and its cause.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-6-707 Indemnification provisions void and unenforceable.**

Any clause in a sales contract or collateral document that requires a purchaser or end user of a product to indemnify, hold harmless, or defend a manufacturer of a product is contrary to public policy and void and unenforceable if a defect in the design or manufacturing of the product causes an injury or death.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-6-708 State of the art affirmative defense against product liability for an automated driving system.**

In an action based upon defective design, manufacture, or failure to warn related to the automated driving system of an ADS-dedicated vehicle or an ADS-equipped vehicle that is equipped with a level four ADS or level five ADS brought against the manufacturer or developer of the automated driving system, liability is precluded if:

- (1) the manufacturer or developer complied with the state of the art knowledge of scientific and technical knowledge and other circumstances that existed at the time of manufacture; or

(2) the automated driving system when deployed reduces injuries to persons, in the aggregate, as compared to humans conducting the same activity.

Enacted by Chapter 286, 2026 General Session