

Effective 9/1/2024

81-3-111 Action for consortium due to personal injury.

- (1) As used in this section:
 - (a) "Injury" or "injured" means a significant permanent injury to an individual that substantially changes that individual's lifestyle , including:
 - (i) a partial or complete paralysis of one or more of the extremities;
 - (ii) significant disfigurement; or
 - (iii) incapability of the individual of performing the types of jobs the individual performed before the injury.
 - (b) "Spouse" means the legal relationship:
 - (i) established between two individuals as recognized by the laws of this state; and
 - (ii) existing at the time of the person's injury.
- (2) The spouse of an individual injured by a third party on or after May 4, 1997, may maintain an action against the third party to recover for loss of consortium.
- (3) A claim for loss of consortium begins on the date of injury to the spouse.
- (4) The statute of limitations applicable to the injured individual shall also apply to the spouse's claim of loss of consortium.
- (5) A claim for the spouse's loss of consortium shall be:
 - (a) made at the time the claim of the injured person is made and joinder of actions shall be compulsory; and
 - (b) subject to the same defenses, limitations, immunities, and provisions applicable to the claims of the injured individual.
- (6) The spouse's action for loss of consortium:
 - (a) shall be derivative from the cause of action existing on behalf of the injured individual; and
 - (b) may not exist in cases where the injured individual would not have a cause of action.
- (7) Fault of the spouse of the injured individual, as well as fault of the injured individual, shall be compared with the fault of all other parties, pursuant to Sections 78B-5-817 through 78B-5-823, for purposes of reducing or barring any recovery by the spouse for loss of consortium.
- (8) Damages awarded for loss of consortium, when combined with any award to the injured individual for general damages, may not exceed any applicable statutory limit on noneconomic damages, including Section 78B-3-410.
- (9) Damages awarded for loss of consortium which a governmental entity is required to pay, when combined with any award to the injured individual which a governmental entity is required to pay, may not exceed the liability limit for one individual in any one occurrence under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

Renumbered and Amended by Chapter 366, 2024 General Session