1	AMENDMENTS TO COMPARATIVE FAULT
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Karen W. Morgan
5	AN ACT RELATING TO JUDICIAL CODE; AMENDING DEFINITIONS RELATING TO
6	COMPARATIVE FAULT.
7	This act affects sections of Utah Code Annotated 1953 as follows:
8	AMENDS:
9	78-27-37, as last amended by Chapter 240, Laws of Utah 1996
10	Be it enacted by the Legislature of the state of Utah:
11	Section 1. Section 78-27-37 is amended to read:
12	78-27-37. Definitions.
13	As used in Sections 78-27-37 through 78-27-43:
14	(1) "Defendant" means a person, other than a person immune from suit as defined in
15	Subsection (3), who is claimed to be liable because of fault to any person seeking recovery. $\underline{\mathbf{A}}$
16	person does not need to be a named party to be a defendant under Sections 78-27-37 through
17	<u>78-27-43.</u>
18	(2) "Fault" means any actionable breach of legal duty, act, or omission proximately causing
19	or contributing to injury or damages sustained by a person seeking recovery, including negligence
20	in all its degrees, contributory negligence, assumption of risk, strict liability, breach of express or
21	implied warranty of a product, products liability, and misuse, modification, or abuse of a product.
22	(3) "Person immune from suit" means:
23	(a) an employer immune from suit under Title [35A] 34A, Chapter [3] 2, Workers'
24	Compensation Act, or Chapter [3a] 3, Utah Occupational Disease Act; and
25	(b) a governmental entity or governmental employee immune from suit pursuant to Title
26	63, Chapter 30, <u>Utah</u> Governmental Immunity Act.
27	(4) "Person seeking recovery" means any person seeking damages or reimbursement on

28 its own behalf, or on behalf of another for whom it is authorized to act as legal representative.

## Legislative Review Note as of 12-23-98 8:36 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel