



UTAH STATE SENATE

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January 27, 2006

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 148**, PUNITIVE DAMAGES - DISCOVERY OF WEALTH, by Senator G. Bell, with the following amendments:

1. *Page 2, Lines 43 through 47:*

43 (2) ~~{(a)}~~ Evidence of a party's wealth or financial condition shall be admissible only
after
44 a finding of liability for punitive damages has been made.
45 ~~{(b)}~~ (a) Discovery concerning a party's wealth or financial condition may only
be allowed
46 after the party seeking punitive damages has established a prima facie case that an award of
47 punitive damages is reasonably ~~{probable}~~ = ~~{possible}~~ likely against the party
about whom discovery is sought.

(b) Subsection (2)(a) does not apply to any claim for punitive damages arising out of the tortfeasor's operation of a motor vehicle or motorboat while voluntarily intoxicated or under the influence of any drug or combination of alcohol and drugs as prohibited by Section 41-6a-502.

Respectfully,

Gregory S. Bell
Committee Vice-Chair

Voting: 7-0-1

3 SB0148.SC1.WPD jdhowe/JDH ECM/JDH 1/27/06 10:02 am

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