



# UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • WEST OFFICE BUILDING, SUITE W115  
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 8, 2006

Mr. President:

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 224**, MOTOR VEHICLE INSURANCE AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. *Page 14, Lines 413 through 414:*

- 413 (iii) any allegations or claims asserting consequential damages or bad faith liability.  
**(m) The arbitrator or arbitration panel may not conduct arbitration on a class-wide or class-representative basis.**
- 414 {(m)} (n) If the arbitrator or arbitration panel finds that the action was not brought, pursued,

2. *Page 14, Line 417:*

- 417 {(n)} (o) An arbitration award issued under this section shall be the final resolution of all

3. *Page 14, Lines 423 through 424:*

- 423 under Subsection (8) {(n)} (o) (ii)(A).
- 424 {(o)} (p) (i) Upon filing a complaint for a trial de novo under Subsection (8) {(m)} (o) , the claim

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4. Page 14, Lines 428 through 430:

428 request a jury trial with a complaint requesting a trial de novo under Subsection  
(8) {~~(m)~~} ~~(o)~~ (ii)(A).  
429 {~~(p)~~} ~~(q)~~ (i) If the claimant, as the moving party in a trial de novo requested  
under  
430 Subsection (8) {~~(m)~~} ~~(o)~~ , does not obtain a verdict that is at least \$5,000 and is at  
least 20% greater

5. Page 15, Line 433:

433 under Subsection (8) {~~(m)~~} ~~(o)~~ , does not obtain a verdict that is at least 20% less  
than the arbitration

6. Page 15, Line 435:

435 (iii) Except as provided in Subsection (8) {~~(p)~~} ~~(q)~~ (iv), the costs under this  
Subsection (8) {~~(p)~~} ~~(q)~~

7. Page 15, Lines 439 through 441:

439 (iv) An award of costs under this Subsection (8) {~~(p)~~} ~~(q)~~ may not exceed  
\$2,500.  
440 {~~(q)~~} ~~(r)~~ For purposes of determining whether a party's verdict is greater or  
less than the  
441 arbitration award under Subsection (8) {~~(p)~~} ~~(q)~~ , a court may not consider any  
recovery or other relief

8. Page 15, Line 446:

446 {~~(r)~~} ~~(s)~~ If a district court determines, upon a motion of the nonmoving  
party, that the

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9. Page 15, Line 450:

450            ~~{(s)}~~    (t)    Nothing in this section is intended to limit any claim under any other portion of an

10. Page 15, Line 452:

452            ~~{(t)}~~    (u)    If there are multiple uninsured motorist policies, as set forth in Subsection (7), the

11. Page 21, Lines 643 through 644:

643            (iii) any allegations or claims asserting consequential damages or bad faith liability.  
(m) The arbitrator or arbitration panel may not conduct arbitration on a class-wide or class-representative basis.

644            ~~{(m)}~~    (n)    If the arbitrator or arbitration panel finds that the action was not brought, pursued,

12. Page 21, Line 647:

647            ~~{(n)}~~    (o)    An arbitration award issued under this section shall be the final resolution of all

13. Page 22, Lines 653 through 654:

653    under Subsection (7) ~~{(n)}~~    (o) (ii)(A).

654            ~~{(o)}~~    (p)    (i) Upon filing a complaint for a trial de novo under Subsection (7) ~~{(n)}~~    (o) , the claim

14. Page 22, Lines 658 through 660:

658    request a jury trial with a complaint requesting a trial de novo under Subsection (7) ~~{(n)}~~    (o) (ii)(A).

659            ~~{(p)}~~    (q)    (i) If the claimant, as the moving party in a trial de novo requested

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under

660 Subsection (7) ~~{(n)}~~ (o), does not obtain a verdict that is at least \$5,000 and is at least 20% greater

15. Page 22, Line 663:

663 under Subsection (7) ~~{(n)}~~ (o), does not obtain a verdict that is at least 20% less than the arbitration

16. Page 22, Line 665:

665 (iii) Except as provided in Subsection (7) ~~{(p)}~~ (q) (iv), the costs under this Subsection (7) ~~{(p)}~~ (q)

17. Page 22, Lines 669 through 671:

669 (iv) An award of costs under this Subsection (7) ~~{(p)}~~ (q) may not exceed \$2,500.

670 ~~{(q)}~~ (r) For purposes of determining whether a party's verdict is greater or less than the

671 arbitration award under Subsection (7) ~~{(p)}~~ (q), a court may not consider any recovery or other relief

18. Page 22, Line 676:

676 ~~{(r)}~~ (s) If a district court determines, upon a motion of the nonmoving party, that the

19. Page 23, Line 680:

680 ~~{(s)}~~ (t) Nothing in this section is intended to limit any claim under any other portion of an

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20. Page 23, Line 682:

682            ~~(t)~~    (u)    If there are multiple underinsured motorist policies, as set forth in  
Subsection (3).

Respectfully,

Sheldon L Killpack  
Committee Chair

Voting: 3-0-3

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