MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
Rep. Ben C. Ferry
Rep. Lorie D. Fowlke
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Susan Lawrence
Rep. Rosalind J. McGee
Rep. Ross Romero
Rep. Scott L. Wyatt

STAFF ABSENT: Rep. Glenn A. Donnelson

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Ferrin called the meeting to order at 8:06 a.m.


H.B. 413 Comparative Negligence Amendments (Rep. S. Wyatt)

Rep. Wyatt explained H.B. 413.

Spoke in opposition to the bill: Ed Havas, Utah Trial Lawyers Association
Ruth Lybbert, Utah Trial Lawyers Association

Spoke in favor of the bill: Tom Bingham, Utah Manufacturers Association


MOTION: Rep. Fowlke moved to amend the bill as follows:
1. Page 1, Lines 9 through 14:
   
   This bill expands amends the definition of "fault" to specifically include intentional torts and civil conspiracy.

   Highlighted Provisions:

   This bill:

   - specifies that an intentional tort and a civil conspiracy are included in the definition of "fault."

2. Page 2, Lines 29 through 33:

   (2) (a) "Fault" means any actionable breach of legal duty, act, or omission proximately causing or contributing to injury or damages sustained by a person seeking recovery, including negligence in all its degrees, comparative negligence, assumption of risk, strict liability, intentional torts, civil conspiracy, breach of express or implied warranty of a product, products liability, and misuse, modification, or abuse of a product.

   (b) "Fault" does not include intentional torts.


S.B. 41S1 Restrictions on Use of Physician Disclosures (Sen. D. Thomas)

This bill was not considered in this meeting.


Spoke in opposition to the bill: Scott Sabey, Entertainment Software Rating Board
Margaret Plane, ACLU of Utah
Robert Saunders, business owner
Jim Olsen, Utah Retail Merchants Association

Spoke in favor of the bill: Gayle Ruzicka, Eagle Forum


S.B. 61 Uniform Mediation Act (Sen. L. Hillyard)


Spoke in favor of the bill: John Fay, Utah Trial Lawyers Association


S.B. 106 Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (Sen. L. Hillyard)

Sen. Hillyard introduced S.B. 106 and explained it to the committee.


S.B. 171 Judiciary Amendments (Sen. L. Hillyard)

Sen. Hillyard introduced S.B. 171 and explained it to the committee, with the assistance of Mark Jones, Administrative Office of the Courts.


S.B. 134  **Lien Duration of a Foreign Judgment (Sen. T. Hatch)**

Sen. Hatch introduced S.B. 134 and explained it to the committee.

Spoke in favor of the bill: Paul Newton, Utah Land Title Association


S.B. 148  **Punitive Damages - Discovery of Wealth (Sen. G. Bell)**

MOTION: Rep. Wyatt moved to amend the bill as follows:

1. Page 2, Lines 45 through 47b
   **Senate 3rd Reading Amendments**
   2-8-2006:
   45 $\rightarrow$ [(b)] (a) $\leftarrow$ $\hat{S}$ Discovery concerning a party's wealth or financial condition may only be
   45a allowed
   46 after the party seeking punitive damages has established a prima facie case $\hat{S} \rightarrow$ on the record $\leftarrow \hat{S}$
   46a that an award of
   47 punitive damages is reasonably $\hat{S} \rightarrow$ [probable] $\{\text{likely}\}$ possible $\leftarrow \hat{S}$ against the party about whom
   47a discovery is sought $\hat{S} \rightarrow$ and, if disputed, the court is satisfied that the discovery is not sought
   47b for the purpose of harassment $\leftarrow \hat{S}$

The motion to amend the bill passed unanimously with Rep. Ferry and Rep. Ferrin absent for the vote.

Rep. Wyatt introduced S.B. 148 as amended and explained it to the committee. He was assisted by David Mortensen, Utah Defense Lawyers Association.

Spoke in favor of the bill: John Fay, Utah Trial Lawyers Association


Rep. Hutchings adjourned the meeting at 10:00 a.m.

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Rep. James A. Ferrin, Chair