

**COMPARATIVE NEGLIGENCE AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott L Wyatt**

Senate Sponsor: Gregory S. Bell

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**LONG TITLE**

**General Description:**

This bill expands the definition of "fault" to 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."

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78-27-37**, as last amended by Chapter 102, Laws of Utah 2005

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78-27-37** is amended to read:

**78-27-37. Definitions.**

As used in Section 78-27-37 through Section 78-27-43:

(1) "Defendant" means a person, other than a person immune from suit as defined in



28 Subsection (3), who is claimed to be liable because of fault to any person seeking recovery.

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

34 (3) "Person immune from suit" means:

35 (a) an employer immune from suit under Title 34A, Chapter 2, Workers' Compensation  
36 Act, or Chapter 3, Utah Occupational Disease Act; and

37 (b) a governmental entity or governmental employee immune from suit pursuant to  
38 Title 63, Chapter 30d, Governmental Immunity Act of Utah.

39 (4) "Person seeking recovery" means any person seeking damages or reimbursement on  
40 its own behalf, or on behalf of another for whom it is authorized to act as legal representative.

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**Legislative Review Note**  
**as of 11-16-06 9:35 AM**

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-12-06 11:19 AM**

The Judiciary Interim Committee recommended this bill.

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**H.B. 45 - Comparative Negligence Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*12/27/2006, 8:50:12 AM, Lead Analyst: Byrne, D.*

**Office of the Legislative Fiscal Analyst**