

WRONGFUL DEATH AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. McCoy

House Sponsor: Ralph Becker

LONG TITLE**General Description:**

This bill expands the definition of "heirs" to include a wrongful death designee.

Highlighted Provisions:

This bill:

- ▶ defines wrongful death designee as a person who, at the time of the decedent's death, was residing with decedent in a mutually dependent relationship and who is designated as a wrongful death heir in decedent's will, trust, or other notarized document.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-11-6.5, as last amended by Chapter 39, Laws of Utah 1998

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

Section 1. Section **78-11-6.5** is amended to read:

78-11-6.5. Definition of heir.

(1) As used in Sections 78-11-7, 78-11-8, and 78-11-12[, "heirs"]:



28 (a) "Heirs" means~~[(+)]~~ the following surviving persons:
29 ~~[(a)]~~ (i) the decedent's spouse;
30 ~~[(b)]~~ (ii) the decedent's children as provided in Section 75-2-114;
31 ~~[(c)]~~ (iii) the decedent's natural parents, or if the decedent was adopted, then ~~[his]~~ the
32 decedent's adoptive parents;
33 (iv) the decedent's wrongful death designee as defined in Subsection (2); and
34 ~~[(d)]~~ (v) the decedent's stepchildren who:
35 ~~[(i)]~~ (A) are in their minority at the time of decedent's death; and
36 ~~[(ii)]~~ (B) are primarily financially dependent on the decedent.
37 ~~[(2)]~~ (b) "Heirs" ~~[means]~~ does not mean any blood relative as provided by the law of
38 intestate succession ~~[if]~~ unless the decedent is not survived by a person under Subsections
39 (1)(a)~~(i)~~, ~~[(b)]~~ (ii), ~~[or (c)]~~ (iii), or (iv).
40 (2) "Wrongful death designee" means a person who:
41 (a) at the time of the decedent's death resided with decedent in a mutually dependent
42 relationship; and
43 (b) is designated as a wrongful death heir in decedent's will, trust, or other notarized
44 written directive.

Legislative Review Note

as of 1-19-07 11:06 AM

Office of Legislative Research and General Counsel

S.B. 58 - Wrongful Death Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

1/24/2007, 11:41:20 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst