

WRONGFUL DEATH CLAIMS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill provides that wrongful death claims of children will be handled in the same manner as the wrongful death claims of adults.

Highlighted Provisions:

This bill:

- ▶ provides that wrongful death claims of children will be handled in the same manner as the wrongful death claims of adults.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-3-102, as renumbered and amended by Laws of Utah 2008, Chapter 3

78B-3-106, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section 78B-3-102 is amended to read:

78B-3-102. Injury of a child -- Suit by parent or guardian.

(1) Except as provided in Title 34A, Chapter 2, Workers' Compensation Act, a parent or guardian may bring an action for the ~~death or~~ injury of a minor child when the injury ~~or death~~ is caused by the wrongful act or neglect of another.

30 (2) A civil action may be maintained against the person causing the injury [~~or death~~
31 or, if the person is employed by another person who is responsible for that person's conduct,
32 also against the employer.

33 (3) If a parent, stepparent, adoptive parent, or legal guardian is the alleged defendant
34 in an action for the [~~death or~~] injury of a child, a guardian ad litem may be appointed for the
35 injured child [~~or a child other than the deceased child~~] according to the procedures outlined in
36 Section 78A-2-227.

37 Section 2. Section **78B-3-106** is amended to read:

38 **78B-3-106. Death of a person -- Suit by heir or personal representative.**

39 (1) Except as provided in Title 34A, Chapter 2, Workers' Compensation Act, when the
40 death of a person [~~who is not a minor~~] is caused by the wrongful act or neglect of another, his
41 heirs, or his personal representatives for the benefit of his heirs, may maintain an action for
42 damages against the person causing the death, or, if the person is employed by another person
43 who is responsible for his conduct, then against the other person.

44 (2) If the adult person has a guardian at the time of his death, only one action may be
45 maintained for the person's injury or death.

46 (3) The action may be brought by either the personal representatives of the adult
47 deceased person, for the benefit of the person's heirs, or by the guardian for the benefit of the
48 heirs, as defined in Section 78B-3-105.