

UTAH UNIFORM PROBATE CODE

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: Brian S. King

LONG TITLE

General Description:

This bill allows a personal representative to be appointed for the purpose of representing a deceased person in any proceeding to establish liability when the deceased person was protected by liability insurance.

Highlighted Provisions:

This bill:

► removes a three-year limitation to appoint a personal representative when the deceased person was protected by liability insurance.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

75-3-803, as last amended by Laws of Utah 1992, Chapter 179

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

Section 1. Section **75-3-803** is amended to read:

75-3-803. Limitations on presentation of claims.



28 (1) All claims against a decedent's estate which arose before the death of the decedent,
29 including claims of the state and any subdivision of it, whether due or to become due, absolute
30 or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not
31 barred earlier by other statute of limitations, are barred against the estate, the personal
32 representative, and the heirs and devisees of the decedent, unless presented within the earlier of
33 the following dates:

34 (a) one year after the decedent's death; or

35 (b) within the time provided by Subsection 75-3-801(2) for creditors who are given
36 actual notice, and where notice is published, within the time provided in Subsection
37 75-3-801(1) for all claims barred by publication.

38 (2) In all events, claims barred by the nonclaim statute at the decedent's domicile are
39 also barred in this state.

40 (3) All claims against a decedent's estate which arise at or after the death of the
41 decedent, including claims of the state and any of its subdivisions, whether due or to become
42 due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal
43 basis are barred against the estate, the personal representative, and the heirs and devisees of the
44 decedent, unless presented as follows:

45 (a) a claim based on a contract with the personal representative within three months
46 after performance by the personal representative is due; or

47 (b) any other claim within the later of three months after it arises, or the time specified
48 in Subsection (1)(a).

49 (4) Nothing in this section affects or prevents:

50 (a) any proceeding to enforce any mortgage, pledge, or other lien upon property of the
51 estate;

52 (b) to the limits of the insurance protection only, any proceeding to establish liability of
53 the decedent or the personal representative for which he is protected by liability insurance; or

54 (c) collection of compensation for services rendered and reimbursement for expenses
55 advanced by the personal representative or by the attorney or accountant for the personal
56 representative of the estate.

57 (5) If a personal representative has not been timely appointed in accordance with this
58 chapter, one may be appointed for the limited purposes of Subsection (4)(b) for any claim

59 timely brought against the decedent.

Legislative Review Note
as of 1-27-10 10:37 AM

Office of Legislative Research and General Counsel

S.B. 121 - Utah Uniform Probate Code Amendments

Fiscal Note

2010 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.
