

## H.B. 12

# PERSONAL INJURY CLAIMS BY PERSONAL REPRESENTATIVE

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

JANUARY 25, 2011 8:46 AM

Representative **Todd E. Kiser** proposes the following amendments:

1. *Page 2, Lines 38 through 50:*

38           (2) (a) Forty-five days after the death of a person, including a minor, caused by the  
39 wrongful act or neglect of another, the presumptive personal representative may present to an  
40 insurer and resolve with the insurer a claim for policy limits up to \$25,000 for liability and  
41 uninsured motorist claims, [~~and~~] \$10,000 for underinsured motorist claims, [~~arising out of that~~  
42 ~~death to an insurer~~] { claims for personal injury protection benefits resulting from the death of an  
43 insured;} and [~~may~~] execute [~~a~~] any applicable release of liability upon presentation of an  
44 affidavit, properly notarized, stating that:

45           {~~(a)~~} (i) the person presenting the affidavit is the presumptive personal representative;

46           {~~(b)~~} (ii) 45 days have elapsed since the death of the decedent;

47           {~~(c)~~} (iii) no application or petition for the appointment of a personal representative is  
48 pending or has been granted in any jurisdiction; and

49           {~~(d)~~} (iv) notice of intent to resolve the claim has been sent to the last-known addresses of all  
50 heirs as defined by Section 78B-3-102 or 78B-3-105.

**(b) Claims for personal injury protection benefits resulting from the death of an insured are exempt from the 45-day waiting requirement, but shall include all information required in Subsections (2)(a)(i), (iii) and (iv).**