

**S.B. 52**  
**TORTIOUS ACT ARBITRATION**

Senator **Stephen H. Urquhart** proposes the following amendments:

1. *Page 2, Lines 42 through 57:*

42 78B-10a-102. General provisions -- Filing -- Notice -- Limits.

43 (1) Except for bodily injury cases involving a motor vehicle as described in Sections

44 31A-22-303, 31A-22-305, and 31A-22-305.3, ~~{and}~~ medical malpractice cases as described in

45 Section 78B-3-401, **and governmental claims described in section 63G-7-401,** a person suffering  
personal injury or property damage as a result of tortious

46 conduct may elect to submit all bodily injury claims and property damage claims to arbitration

47 by filing a notice of the submission of the claim to binding arbitration in a district court if:

48 (a) **all named defendants have liability insurance or are self-insured as evidenced by a separate fund to pay claims or by evidence of a retention liability policy that covers claims in excess of a certain monetary amount;**

(b) the claimant or the claimant's representative has:

\* \* \* *Some lines not shown* \* \* \*

53 ~~{(b)}~~ (c) the notice required under Subsection (1)(a)(ii) is filed while the action under

54 Subsection (1)(a)(i) is still pending.

\* \* \* *Some lines not shown* \* \* \*

**(3) All parties to a claim may stipulate to submit the claim to arbitration under this chapter. If the claim is submitted to arbitration, the parties may not claim:**

**(a) a right of rescission under Section 78B-10a-104; or**

**(b) the right to a trial de novo under Section 78B-10a-108.**

2. *Page 3, Lines 64 through 66:*

64 78B-10a-104. Rescission -- Discovery.

65 (1) (a) A ~~{person}~~ **claimant** who has elected arbitration in accordance with this chapter may

66 rescind the election if the rescission is made within:

3. *Page 5, Line 151 through Page 6, Line 153:*

151 (3) (a) If a defendant, as the moving party in a trial de novo requested in accordance

152 with Subsection 78B-10a-107(2), does not obtain a verdict that is at least ~~{35%}~~ **30%** less than the

153 arbitration award, the defendant is responsible for all of the nonmoving party's costs.