

PRODUCT LIABILITY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides that only the manufacturer of a product may be liable for that product.

Highlighted Provisions:

This bill:

► provides that a manufacturer may not be liable for a product unless the claimant proves by a preponderance of the evidence that the defendant was the actual manufacturer of the actual product that caused the harm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-6-708, Utah Code Annotated 1953

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

Section 1. Section **78B-6-708** is enacted to read:

78B-6-708. Manufacturer -- Proven by preponderance of evidence.

(1) Notwithstanding any other provision of law, in any civil action against a manufacturer for harm caused by a product, irrespective of the substantive theory or theories



28 underlying the claim, a manufacturer may not be liable unless the claimant proves by a
29 preponderance of the evidence that the defendant was the manufacturer of the actual product
30 that was the cause for which the claimant seeks to recover compensatory damages.

31 (2) Proof that a product seller designed, formulated, produced, constructed, created,
32 assembled, or rebuilt the type of product in question is not proof that the product seller
33 formulated, produced, constructed, created, assembled, or rebuilt the actual defective product
34 in the product liability action. A product seller may not be held liable in a product liability
35 action based on market share, enterprise, or industry-wide liability.

Legislative Review Note
as of 2-3-12 10:21 AM

Office of Legislative Research and General Counsel