

28 (1) (a) A cause of action arising out of personal injury to a person, or death caused by  
29 the wrongful act or negligence of a wrongdoer, does not abate upon the death of the wrongdoer  
30 or the injured person. The injured person, or the personal representatives or heirs of the person  
31 who died, has a cause of action against the wrongdoer or the personal representatives of the  
32 wrongdoer for special and general damages, subject to Subsection (1)(b).

33 (b) If, prior to judgment or settlement, the injured person dies as a result of a cause  
34 other than the injury received as a result of the wrongful act or negligence of the wrongdoer,  
35 the personal representatives or heirs of the person have a cause of action against the wrongdoer  
36 or personal representatives of the wrongdoer for special and general damages which resulted  
37 from the injury caused by the wrongdoer and which occurred prior to death of the injured party  
38 from the unrelated cause. ~~It~~ → [The general damages available under the circumstances described in  
39 this Subsection (1)(b) may not exceed \$100,000.] ← ~~It~~

40 (c) If the death of the injured party from an unrelated cause occurs more than six  
41 months after the incident giving rise to the claim for damages, the claim shall be limited to  
42 special damages unless, prior to the injured party's death:

43 (i) written notice of intent to hold the wrongdoer responsible has been mailed to or  
44 served upon the wrongdoer or the wrongdoer's insurance carrier or the uninsured motorist  
45 carrier of the injured party, and proof of mailing or service can be produced upon request; or

46 (ii) a claim for damages against the wrongdoer or against the uninsured motorist carrier  
47 of the injured party is the subject of ongoing negotiations between the parties or persons  
48 representing the parties or their insurers.

49 (d) A subsequent claim against an underinsured motorist carrier for which the injured  
50 party was a covered person is not subject to the notice requirement described in Subsection  
51 (1)(c).

52 ~~It~~ → [f] (e) **In no event shall [the] an award of general [damage award] damages**  
52a **available under the circumstances described in Subsection (1)(b) or (1)(c) against any**  
52b **wrongdoer or any insurer exceed \$100,000 regardless of**  
53 **available liability, uninsured or underinsured motor vehicle coverage. [f] ← ~~It~~**

54 (2) Under Subsection (1) neither the injured person nor the personal representatives or  
55 heirs of the person who dies may recover judgment except upon competent satisfactory  
56 evidence other than the testimony of the injured person.

57 (3) This section may not be construed to be retroactive.