



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 17, 2015

Mr. President:

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 180**, ARBITRATION AMENDMENTS, by Senator S. Urquhart, with the following amendments:

1. *Page 1, Lines 18 through 20:*

18 ▶ ~~{provides that if}~~ requires a party that requests a trial de novo
 following an arbitration ~~{, the~~
19 ~~arbitration award issued, at the election of the nonmoving party, shall be admissible~~
20 ~~in the trial de novo}~~ to file a copy of the notice requesting a trial de novo with
 the Insurance Commissioner notifying the commissioner of the party's request for a
 trial de novo .

2. *Page 6, Lines 169 through 171:*

169 (20) If a party requests a trial de novo under Subsection (11), the ~~{arbitration~~
 award
170 ~~issued under this section, at the election of the nonmoving party, shall be admissible~~
 in the trial
171 ~~de novo}~~ party shall file a copy of the notice requesting a trial de novo with the
 commissioner notifying the commissioner of the party's request for a trial de novo
 under Subsection (11) .

Bill Number



SB0180

Action Class



S

Action Code



SCRAMD

3. Page 5, Lines 133 through 144:

133 (13) (a) If the plaintiff, as the moving party in a trial de novo requested under
134 Subsection (11), does not obtain a verdict that is at least \$5,000 and is at least
135 {+} 30% {+} ~~{40%}~~
136 greater than the arbitration award, the plaintiff is responsible for all of the nonmoving
137 party's
138 costs.
139 (b) Except as provided in Subsection (13)(c), the costs under Subsection (13)(a)
140 shall
141 include:
142 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and
143 (ii) the costs of expert witnesses and depositions.
144 (c) An award of costs under this Subsection (13) may not exceed \$6,000.
145 (14) (a) If a defendant, as the moving party in a trial de novo requested under
146 Subsection (11), does not obtain a verdict that is at least {+} 30% {+} {
147 ~~40%~~} less than the arbitration
148 award, the defendant is responsible for all of the nonmoving party's costs.

Respectfully,

Alvin B. Jackson
Committee Chair

Voting: 5-0-1

3 SB0180.SC1.wpd ahunsaker/ALH SCH/ALH 2/17/15 6:11 pm

Bill Number



SB0180

Action Class



S

Action Code



SCRAMD