

Senator Howard A. Stephenson proposes the following substitute bill:

STUDENT INTERNSHIP LIABILITY

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill removes a certain distinction to broaden the class of student interns that the State Risk Fund covers.

Highlighted Provisions:

This bill:
▶ removes a distinction to broaden the class of student interns that the State Risk Fund covers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-7-102, as last amended by Laws of Utah 2017, Chapter 300

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

Section 1. Section **63G-7-102** is amended to read:

63G-7-102. Definitions.



26 As used in this chapter:

27 (1) "Arises out of or in connection with, or results from," when used to describe the
28 relationship between conduct or a condition and an injury, means that:

29 (a) there is some causal relationship between the conduct or condition and the injury;

30 (b) the causal relationship is more than any causal connection but less than proximate
31 cause; and

32 (c) the causal relationship is sufficient to conclude that the injury originates with, flows
33 from, or is incident to the conduct or condition.

34 (2) "Claim" means any asserted demand for or cause of action for money or damages,
35 whether arising under the common law, under state constitutional provisions, or under state
36 statutes, against a governmental entity or against an employee in the employee's personal
37 capacity.

38 (3) (a) "Employee" includes:

39 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

40 (ii) members of a governing body;

41 (iii) members of a government entity board;

42 (iv) members of a government entity commission;

43 (v) members of an advisory body, officers, and employees of a Children's Justice
44 Center created in accordance with Section [67-5b-102](#);

45 (vi) student teachers holding a letter of authorization in accordance with Sections
46 [53A-6-103](#) and [53A-6-104](#);

47 (vii) educational aides;

48 (viii) students engaged in [~~providing services to members of the public in the course of~~
49 ~~an approved medical, nursing, or other professional health care clinical training program]~~
50 internships under Section [53B-16-402](#) or [53G-7-902](#);

51 (ix) volunteers as defined by Subsection [67-20-2\(3\)](#); and

52 (x) tutors.

53 (b) "Employee" includes all of the positions identified in Subsection (3)(a), whether or
54 not the individual holding that position receives compensation.

55 (c) "Employee" does not include an independent contractor.

56 (4) "Governmental entity" means the state and its political subdivisions as both are

57 defined in this section.

58 (5) (a) "Governmental function" means each activity, undertaking, or operation of a
59 governmental entity.

60 (b) "Governmental function" includes each activity, undertaking, or operation
61 performed by a department, agency, employee, agent, or officer of a governmental entity.

62 (c) "Governmental function" includes a governmental entity's failure to act.

63 (6) "Injury" means death, injury to a person, damage to or loss of property, or any other
64 injury that a person may suffer to the person or estate, that would be actionable if inflicted by a
65 private person or the private person's agent.

66 (7) "Personal injury" means an injury of any kind other than property damage.

67 (8) "Political subdivision" means any county, city, town, school district, community
68 reinvestment agency, special improvement or taxing district, local district, special service
69 district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
70 Interlocal Cooperation Act, or other governmental subdivision or public corporation.

71 (9) "Property damage" means injury to, or loss of, any right, title, estate, or interest in
72 real or personal property.

73 (10) "State" means the state of Utah, and includes each office, department, division,
74 agency, authority, commission, board, institution, hospital, college, university, Children's
75 Justice Center, or other instrumentality of the state.

76 (11) "Willful misconduct" means the intentional doing of a wrongful act, or the
77 wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's
78 conduct will probably result in injury.