

**1st Sub. S.B. 201**  
**PRIVATE SCHOOL LIABILITY PROTECTIONS**

Representative **Timothy D. Hawkes** proposes the following amendments:

1. *Page 1, Lines 11 through 18:*

- 11 This bill:
- 12 ▶ provides legislative findings;
- 13 ▶ defines terms;
- 14 ▶ limits judgments for negligence claims of physical injury on a nonprofit private
- 15 school's school related property ~~{and requires}~~ if insurance is maintained ;
- 16 ▶ prohibits punitive ~~{or exemplary}~~ damages in negligence actions ;
- 17 ▶ establishes scope of section; ~~{and}~~
- 18 ▶ addresses application of workers' compensation ~~{.}~~ ; and
- ▶ excludes students.

2. *Page 2, Lines 29 through 30:*

- 29 78B-4-516. Nonprofit private school ~~{immunity}~~ limits on liability .
- 30 (1) The Legislature finds the following:

3. *Page 2, Line 55 through Page 3, Line 67:*

- 55 (3)(a) ~~{In}~~ Subject to the other provisions of this section, in an action against a nonprofit
- 56 private school for physical injury to an
- 57 individual arising out of or related to the injured individual's presence on school related
- 58 property ~~{=~~
- 59 physical injury caused by negligence of the nonprofit private school at ~~{levels}~~ a level sufficient to
- 60 cover
- 61 {the limitations of judgments established under this Subsection (3), a court may not award a
- 62 judgment of more than \$583,900 for injury to one individual or
- 63 \$2,000,000 in total for injuries
- 64 from a single incident only; and} a judgment of \$717,100 for an individual. A court shall adjust a
- 65 jury award in excess of \$717,100 for physical injury to an individual to \$717,100.
- 66 {(ii) a} (b) A court may not award punitive ~~{or exemplary}~~ damages under this
- 67 Subsection (3) .
- 68 {(b)} (c) The limitations of judgments and insurance requirements established under

Subsection (3)(a) ~~{(f)}~~

65 shall increase July 1 of each even-numbered year to be the same amount as similar limits on  
66 judgments against a government entity established by the state risk manager by rule under  
67 Section 63G-7-605.

**(d) If the nonprofit private school does not maintain insurance at the level required by Subsection (3)(a), a negligence award against a nonprofit private school for physical injury arising out of or related to the injured individual's presence on school related property is not subject to the limitation of judgments described in Subsection (3)(a).**

4. Page 3, Lines 71 through 73:

71 (5) **(a)** This section does not modify the application of Title 34A, Chapter 2, Workers'  
72 Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act, to physical injury  
73 to an employee **and this section does not apply to an employee of a nonprofit private school** . =

**(b) This section does not apply to a student that attends the nonprofit private school.**