

SURVIVAL CLAIMS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the statute of limitations for claims that survive an individual's death.

Highlighted Provisions:

This bill:

- ▶ modifies the time period for when the representatives of an individual who dies may bring a cause of action against another person;
- ▶ removes a provision relating to the time period for a person to bring a cause of action against a person who dies; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-2-105, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-2-105** is amended to read:

78B-2-105. Effect of death.

[(+) If [a person] an individual entitled to bring an action dies before the expiration of the statute of limitations and the cause of action survives, an action may be brought by [his

30 ~~representatives after the expiration of the time and within one year from his death.] the~~
31 ~~individual's representatives within the later of:~~
32 ~~(1) the statute of limitations; or~~
33 ~~(2) one year after the day on which the individual died.~~
34 ~~[(2) If a person against whom an action may be brought dies before the expiration of~~
35 ~~the statute of limitations and the cause of action survives, an action may be commenced against~~
36 ~~the representatives after the expiration of the time and within one year after the issue of letters~~
37 ~~testamentary or of administration.]~~