

Representative Timothy D. Hawkes proposes the following substitute bill:

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; 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.



26 (1) If [~~a person~~] an individual entitled to bring an action dies before the expiration of
27 the statute of limitations and the cause of action survives, an action may be brought by [~~his~~
28 ~~representatives after the expiration of the time and within one year from his death.~~] the
29 individual's representatives within the later of:

30 (a) the statute of limitations; or

31 (b) one year after the day on which the individual died.

32 (2) If [~~a person~~] an individual against whom an action may be brought dies before the
33 expiration of the statute of limitations and the cause of action survives, an action may be
34 commenced against the representatives after the expiration of the time and within one year after
35 the issue of letters testamentary or of administration.