

1 **GOVERNMENTAL IMMUNITY MODIFICATIONS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brady Brammer**

5 Senate Sponsor: Kirk A. Cullimore

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Governmental Immunity Act of Utah.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ modifies a provision relating to a governmental entity's obligation to provide
13 information to a claimant after the filing of a notice of claim.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **63G-7-403**, as last amended by Laws of Utah 2019, Chapter 229

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

23 Section 1. Section **63G-7-403** is amended to read:

24 **63G-7-403. Notifying of the receipt of a notice of claim -- Action in district court**
25 **-- Time for commencing action -- Commencing action after time limit.**

26 (1) Within 60 days after the filing of a notice of claim, the governmental entity, the
27 entity's representative, or [its] the entity's insurance carrier shall inform the claimant in writing:

28 (a) that the notice of claim has been received; and

29 (b) if applicable, that the governmental entity believes it is not the correct

30 governmental entity with which the notice of claim should have been filed.

31 (2) (a) (i) Subject to Subsections (2)(a)(ii) and (b), a claimant may pursue an action in
32 the district court against the governmental entity or an employee of the entity.

33 (ii) A claimant may not file an action before the date that is 60 days after the claimant's
34 notice of claim is filed.

35 (b) Subject to Subsection (3), a claimant shall commence the action within two years
36 after the claim arises, as provided in Subsection 63G-7-401(1), regardless of whether or not the
37 function giving rise to the claim is characterized as governmental.

38 (3) (a) As used in this Subsection (3), "claimant" includes a representative of an
39 individual:

40 (i) who dies before an action is begun under this section; and

41 (ii) whose cause of action survives the individual's death.

42 (b) A claimant may commence an action after the time limit described in Subsection
43 (2)(b) if:

44 (i) the claimant had commenced a previous action within the time limit of Subsection
45 (2)(b);

46 (ii) the previous action failed or was dismissed for a reason other than on the merits;
47 and

48 (iii) the claimant commences the new action within one year after the previous action
49 failed or was dismissed.

50 (c) A claimant may commence a new action under Subsection (3)(b) only once.