

**TOLLING AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nelson T. Abbott**

Senate Sponsor: Todd D. Weiler

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**LONG TITLE**

**General Description:**

This bill addresses the tolling of time limitations for certain individuals.

**Highlighted Provisions:**

This bill:

▶ provides that a cause of action that is tolled, because the individual is under 18 years old or mentally incompetent, includes any claim for general or special damages or any claim for which the individual's parent or guardian may be financially responsible for the general or special damages; and

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-2-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-2-108** is amended to read:

**78B-2-108. Effect of disability -- Minority or mental incompetence -- Damages.**



28 ~~[A person may not bring an action while under the age of majority or]~~  
29 (1) An individual may not bring a cause of action while the individual is:  
30 (a) under 18 years old; or  
31 (b) mentally incompetent without a legal guardian.  
32 (2) During the time [the person] that an individual is underage or mentally  
33 incompetent, the statute of limitations for a cause of action other than for the recovery of real  
34 property may not run.  
35 (3) A cause of action under this section includes any claim:  
36 (a) for general or special damages; or  
37 (b) for which a parent or ~~the~~ legal guardian of an individual described in Subsection  
37a (1) may be  
38 financially responsible for the payment of general or special damages.