

PRODUCT LIABILITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to product liability.

Highlighted Provisions:

This bill:

► clarifies that a claimant is not required to demonstrate the availability of a safer alternative design to prevail in a civil action under this part.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-703, 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-6-703** is amended to read:

78B-6-703. Defect or defective condition making product unreasonably dangerous -- Rebuttable presumption -- Safer alternative design.

(1) In any action for damages for personal injury, death, or property damage allegedly caused by a defect in a product, a product may not be considered to have a defect or to be in a



28 defective condition, unless at the time the product was sold by the manufacturer or other initial
29 seller, there was a defect or defective condition in the product which made the product
30 unreasonably dangerous to the user or consumer.

31 (2) There is a rebuttable presumption that a product is free from any defect or defective
32 condition where the alleged defect in the plans or designs for the product or the methods and
33 techniques of manufacturing, inspecting and testing the product were in conformity with
34 government standards established for that industry which were in existence at the time the
35 plans or designs for the product or the methods and techniques of manufacturing, inspecting
36 and testing the product were adopted.

37 (3) (a) Subject to the applicable rules of civil procedure, a claimant may produce
38 evidence that a safer and feasible alternative design was available for a claim involving a
39 defective design.

40 (b) A claimant is not required to show that a safer and feasible alternative design was
41 available to prevail on a claim that involves a defective design.