

WRONGFUL DEATH ACTION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Nelson T. Abbott

LONG TITLE

General Description:

This bill amends provisions related to a wrongful death action.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "heirs" for a wrongful death action; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-3-105, 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-3-105** is amended to read:

78B-3-105. Definition of heir.

As used in Sections **78B-3-106** and **78B-3-107**, "heirs" means~~[(+)]~~ the following surviving persons:

~~[(a)]~~ (1) the decedent's spouse;



28 ~~[(b)]~~ (2) the decedent's children as provided in Section 75-2-114;

29 ~~[(c)]~~ (3) (a) the decedent's natural parents~~];~~ or

30 (b) if the decedent was adopted, ~~[then his]~~ the decedent's adoptive parents;

31 ~~[(d)]~~ (4) the decedent's stepchildren who:

32 ~~[(i)]~~ (a) are ~~[in their minority]~~ younger than 18 years old at the time of decedent's

33 death; and

34 ~~[(ii) are primarily financially dependent on the decedent.]~~

35 (b) (i) received financial support from the decedent at the time of decedent's death; or

36 (ii) resided with the decedent on at least a part-time basis at the time of the decedent's

37 death; or

38 ~~[(2)]~~ (5) ~~["Heirs" means]~~ any blood relative as provided by the law of intestate

39 succession if the decedent is not survived by a person under Subsection ~~[Subsections (1)(a);~~

40 ~~(b), or (c)]~~ (1), (2), or (3).