

# HB0064S01 compared with HB0064

~~{deleted text}~~ shows text that was in HB0064 but was deleted in HB0064S01.

inserted text shows text that was not in HB0064 but was inserted into HB0064S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brian S. King proposes the following substitute bill:

## WAIVER OF PUNITIVE DAMAGES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian S. King**

Senate Sponsor: Todd D. Weiler

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### LONG TITLE

#### ~~{Committee Note:~~

~~—————The Judiciary Interim Committee recommended this bill.~~

~~—————Legislative Vote: 13 voting for 0 voting against 4 absent~~

#### ~~}~~General Description:

This bill addresses agreements to waive or limit liability for punitive damages.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;~~{ and}~~
- ▶ prohibits ~~{courts}~~a court from enforcing agreements to waive or limit liability for punitive damages~~{.}~~; and
- ▶ provides that certain financial institutions are exempt from the prohibition described above.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

**78B-8-204**, Utah Code Annotated 1953

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

Section 1. Section **78B-8-204** is enacted to read:

**78B-8-204. Agreements to waive or limit punitive damages unenforceable.**

(1) As used in this section:

(a) "Agreement" means a written, verbal, or implied contract.

(b) "Court" means the same as that term is defined in Section 78B-11-102.

(c) "Insurance" means the same as that term is defined in Section 31A-1-301.

(2) ~~§A~~ Except as provided in Subsection (3), a court may not enforce an agreement to waive or limit liability for punitive damages.

(3) Subsection (2) does not apply:

(a) to an agreement entered into before May 3, 2023;

(b) to an agreement entered into to settle or release a claim or cause of action for damages or injury, regardless of whether litigation is pending; or

(c) if a party to an agreement is a financial institution or an affiliate of a financial institution under Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801, et seq., unless the agreement is for the sale or provision of insurance.