

Senator Todd Weiler proposes the following substitute bill:

**SURVIVAL CLAIMS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Timothy D. Hawkes**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill modifies the statute of limitations for claims that survive an individual's death.

**Highlighted Provisions:**

This bill:

- ▶ modifies the time period for when the representatives of an individual who dies may bring a cause of action against another person;
- ▶ removes a provision relating to the time period for a person to bring a cause of action against a person who dies; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78B-2-105**, 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:*



26 Section 1. Section **78B-2-105** is amended to read:

27 **78B-2-105. Effect of death.**

28 [~~(1)~~] If [~~a person~~] an individual entitled to bring an action dies before the expiration of  
29 the statute of limitations and the cause of action survives, an action may be brought by [~~his~~  
30 ~~representatives after the expiration of the time and within one year from his death.~~] the  
31 individual's representatives within the later of:

32 (1) the statute of limitations; or

33 (2) one year after the day on which the individual died.

34 [~~(2) If a person against whom an action may be brought dies before the expiration of~~  
35 ~~the statute of limitations and the cause of action survives, an action may be commenced against~~  
36 ~~the representatives after the expiration of the time and within one year after the issue of letters~~  
37 ~~testamentary or of administration.]~~