



### A. Statute of Limitations

- **The statute of limitations for personal injury is four years** - Utah Code Annotated Section 78B-2-307.
- **For property damage claims it is three years** - Utah Code Annotated Section 78B-2-305.
- **For wrongful death claims it is two years** - Utah Code Annotated Section 78B-3-105 and 106.
- **For PIP claims it is three years from the date of the last payment** - Utah Code Annotated Section 78B-2-305.

### B. Comparative Negligence

A plaintiff that is 50% at fault or more is barred from recovery. Utah Code Annotated Section 78B-5-818. No defendant is liable for more than its proportionate share of fault. Utah Code Annotated Section 78B-5-818 and 819. The negligence of settling parties is still apportioned.

### C. Joint & Several Liability

Joint and several liability has been done away with. As well as contribution from one defendant to another. Utah Code Annotated Section 78B-5-820.

### D. Comparing Fault of Non-Parties

This can be done but a party must file a notice of intent to do so setting forth the factual and legal basis for the fault and the identity of the non-party if known. This must be filed at least 90 days before trial. Utah Code Annotated Section 78B-5-821 and Utah Rule of Civil Procedure 9.

### E. Comparing Fault of Immune Parties

The fault of an immune party may be compared (an employer or a governmental entity) and if the immune party is found to be 40% at fault or more that fault stands. If it is less than 40%, that fault is reapportioned among all of the other parties found to be at fault proportionately. Utah Code Annotated Section 78B-5-819.

## **F. Personal Injury Protection**

Utah does require personal injury protection benefits. At a minimum this must be \$3,000 in medical coverage, \$1,250 a month for lost wages up to one year and \$20 a day for loss of household service benefits for up to one year. There is also a \$3,000 death benefit and a \$1,500 funeral benefit. Utah Code Annotated Section 31A-22-307. The personal injury protection reimbursement claim does not belong to an injured party but only belongs to his carrier. The carrier can only collect through binding arbitration from the other carrier responsible. If the other carrier pays its limit there is no recovery. Utah Code Annotated Section 31A-22-309. A vehicle registered in another State is only required to have personal injury protection benefits if it is required in that State or if the vehicle has been in Utah for 90 days of the prior 365 days. Utah Code Annotated Section 41-12a-303.

## **G. Interest Recoverable**

A plaintiff is entitled to recover interest on all special damages from the date of the accident regardless of when they were incurred. The interest rate is 2% above prime that has a ceiling of 10% and a floor of 5%. Utah Code Annotated Section 78B-5-824.

## **H. Medical Bills**

A plaintiff may claim the amounts that he was billed on his medical bills regardless of what was actually paid and accepted. The defendant is precluded from demonstrating that a lesser amount was accepted under the Collateral Source Rule. However, a defendant can challenge the reasonableness of the medical bills by presenting expert testimony.