

Stephanie Pitcher proposes the following substitute bill:

Dog Injuries Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses provisions related to injuries from dog attacks.

Highlighted Provisions:

This bill:

- raises the maximum award from \$50,000 to \$75,000 in arbitration and at trial for a bodily injury claim in a dog attack case, not including certain costs;
- provides that a claimant in arbitration or plaintiff at trial may maintain a wrongful death claim in a dog attack case; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

18-1-4, as last amended by Laws of Utah 2024, Chapter 158

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

Section 1. Section **18-1-4** is amended to read:

18-1-4 . Use of arbitration in personal injury from dog attack cases.

(1) A person injured as a result of a dog attack may elect to submit all third party bodily injury claims to arbitration by filing a notice of the submission of the claim to binding arbitration in a court if:

(a) the claimant or the claimant's representative has:

- (i) previously and timely filed a complaint in a court that includes a third party bodily injury claim; and

- 30 (ii) filed a notice to submit the claim to arbitration within 14 days after the complaint
31 has been answered; and
- 32 (b) the notice required under Subsection (1)(a)(ii) is filed while the action under
33 Subsection (1)(a)(i) is still pending.
- 34 (2)(a) [Hf] Except for a wrongful death action described in Section 78B-3-106, if a party
35 submits a bodily injury claim to arbitration under Subsection (1), the party submitting
36 the claim or the party's representative is limited to an arbitration award that may not
37 exceed [~~\$50,000~~] \$75,000 in addition to any medical premise benefits and any claim
38 for property damage.
- 39 (b) A party who elects to proceed against a defendant under this section:
- 40 (i) waives the right to obtain a judgment against the personal assets of the defendant;
41 and
- 42 (ii) is limited to recovery only against available limits of insurance coverage.
- 43 (3) A claim for punitive damages may not be made in an arbitration proceeding under
44 Subsection (1) or any subsequent proceeding, even if the claim is later resolved through
45 a trial de novo under Subsection (11).
- 46 (4)(a) A party who has elected arbitration under this section may rescind the party's
47 election if the rescission is made within:
- 48 (i) 90 days after the election to arbitrate; and
49 (ii) no less than 30 days before any scheduled arbitration hearing.
- 50 (b) A party seeking to rescind an election to arbitrate under this Subsection (4) shall:
- 51 (i) file a notice of the rescission of the election to arbitrate with the court in which the
52 matter was filed; and
- 53 (ii) send copies of the notice of the rescission of the election to arbitrate to all counsel
54 of record to the action.
- 55 (c) All discovery completed in anticipation of the arbitration hearing shall be available
56 for use by the parties as allowed by the Utah Rules of Civil Procedure and the Utah
57 Rules of Evidence.
- 58 (d) A party who has elected to arbitrate under this section and then rescinded the
59 election to arbitrate under this Subsection (4) may not elect to arbitrate the claim
60 under this section again.
- 61 (5)(a) Unless otherwise agreed to by the parties or by order of the court, an arbitration
62 process elected under this section is subject to Rule 26, Utah Rules of Civil
63 Procedure.

(b) Unless otherwise agreed to by the parties or ordered by the court, discovery shall be completed within 150 days after the date arbitration is elected under this section or the date the answer is filed, whichever is longer.

(6)(a) Unless otherwise agreed to in writing by the parties, a claim that is submitted to arbitration under this section shall be resolved by a single arbitrator.

(b) Unless otherwise agreed to by the parties or ordered by the court, all parties shall agree on the single arbitrator selected under Subsection (6)(a) within 90 days of the answer of the defendant.

(c) If the parties are unable to agree on a single arbitrator as required under Subsection (6)(b), the parties shall select a panel of three arbitrators.

(d) If the parties select a panel of three arbitrators under Subsection (6)(c):

(i) each side shall select one arbitrator; and

(ii) the arbitrators selected under Subsection (6)(d)(i) shall select one additional arbitrator to be included in the panel.

(7) Unless otherwise agreed to in writing:

(a) each party shall pay an equal share of the fees and costs of the arbitrator selected under Subsection (6)(a); and

(b) if an arbitration panel is selected under Subsection (6)(d):

(i) each party shall pay the fees and costs of the arbitrator selected by that party's side; and

(ii) each party shall pay an equal share of the fees and costs of the arbitrator selected under Subsection (6)(d)(ii).

(8) Except as otherwise provided in this section and unless otherwise agreed to in writing by the parties, an arbitration proceeding conducted under this section shall be governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(9)(a) Subject to the provisions of this section, the Utah Rules of Civil Procedure and the Utah Rules of Evidence apply to the arbitration proceeding.

(b) The Utah Rules of Civil Procedure and the Utah Rules of Evidence shall be applied liberally with the intent of concluding the claim in a timely and cost-efficient manner.

(c) Discovery shall be conducted in accordance with the Utah Rules of Civil Procedure and shall be subject to the jurisdiction of the court in which the matter is filed.

(d) Dispositive motions shall be filed, heard, and decided by the court prior to the arbitration proceeding in accordance with the court's scheduling order.

(10) A written decision by a single arbitrator or by a majority of the arbitration panel shall

98 constitute a final decision.

99 (11) An arbitration award issued under this section shall be the final resolution of all bodily
100 injury claims between the parties and may be reduced to judgment by the court upon
101 motion and notice unless:

102 (a) either party, within 20 days after service of the arbitration award:

103 (i) files a notice requesting a trial de novo in the court; and

104 (ii) serves the nonmoving party with a copy of the notice requesting a trial de novo
105 under Subsection (11)(a)(i); or

106 (b) the arbitration award has been satisfied.

107 (12)(a) Upon filing a notice requesting a trial de novo under Subsection (11):

108 (i) unless otherwise stipulated to by the parties or ordered by the court, an additional
109 90 days shall be allowed for further discovery;

110 (ii) the additional discovery time under Subsection (12)(a)(i) shall run from the notice
111 of appeal; and

112 (iii) the claim shall proceed through litigation [~~pursuant to~~] in accordance with the
113 Utah Rules of Civil Procedure and the Utah Rules of Evidence in the court.

114 (b) In accordance with the Utah Rules of Civil Procedure, either party may request a jury
115 trial with a request for trial de novo filed under Subsection (11).

116 (13)(a) If the plaintiff, as the moving party in a trial de novo requested under Subsection
117 (11), does not obtain a verdict that is at least \$5,000 and is at least 30% greater than
118 the arbitration award, the plaintiff is responsible for all of the nonmoving party's
119 costs.

120 (b) Except as provided in Subsection (13)(c), the costs under Subsection (13)(a) shall
121 include:

122 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and

123 (ii) the costs of expert witnesses and depositions.

124 (c) An award of costs under this Subsection (13) may not exceed \$6,000.

125 (14)(a) If a defendant, as the moving party in a trial de novo requested under Subsection
126 (11), does not obtain a verdict that is at least 30% less than the arbitration award, the
127 defendant is responsible for all of the nonmoving party's costs.

128 (b) Except as provided in Subsection (14)(c), the costs under Subsection (14)(a) shall
129 include:

130 (i) any costs set forth in Rule 54(d), Utah Rules of Civil Procedure; and

131 (ii) the costs of expert witnesses and depositions.

(c) An award of costs under this Subsection (14) may not exceed \$6,000.

(15) For purposes of determining whether a party's verdict is greater or less than the arbitration award under Subsections (13) and (14), a court may not consider any recovery or other relief granted on a claim for damages if the claim for damages was not disclosed in:

(a) writing prior to the arbitration proceeding; or

(b) response to discovery contrary to the Utah Rules of Civil Procedure.

(16) If a court determines, upon a motion of the nonmoving party, that the moving party's use of the trial de novo process was filed in bad faith, as described in Section 78B-5-825, the court may award reasonable attorney fees to the nonmoving party.

(17) Nothing in this section is intended to affect or prevent any first party claim from later being brought under any first party insurance policy under which the injured person is a covered person.

(18)(a) If a defendant requests a trial de novo under Subsection (11), the total verdict at trial may not exceed \$15,000 above any available limits of insurance coverage~~[-and the total verdict may not exceed \$65,000].~~

(b) ~~[If]~~ Except for a wrongful death action described in Section 78B-3-106, if a plaintiff requests a trial de novo under Subsection (11), the verdict at trial may not exceed [\$50,000] \$75,000.

(c) The costs described in Subsections (13) and (14) are not included in a verdict amount described in Subsection (18)(a) or (b).

(19) All arbitration awards issued under this section shall bear postjudgment interest [~~pursuant to~~] in accordance with Section 15-1-4.

Section 2. **Effective Date.**

This bill takes effect on May 7, 2025.