

CV632 ~~Threshold-Minimum Injury Requirements.~~

[Name of defendant] claims that [name of plaintiff] has not met the minimum threshold-injury requirements and therefore cannot recover non-economic damages.

In order to A person may recover non-economic damages resulting from an automobile accident [name of Plaintiff] must prove only if [he/she] has suffered one of the following:

[(1) death.] or

[(2) dismemberment.] or

[(3) permanent disability or permanent impairment based on objective findings.] or

[(24) permanent disfigurement.] or

[(5) a bone fracture.] or

[(36) reasonable and necessary medical expenses in excess of \$3,000.]

References

Utah Code Section 31A-22-309(1)(a).

Pinney v. Carrera, 2020 UT 43, 469 P.3d 970.

Committee Notes

~~Neither the statute nor case law has provided clear boundaries on the definitions of disability and impairment. It is also undecided whether the plaintiff or the defendant who asserts the defense carries the burden of proof or burden of moving forward.~~