



30 governmental entity with which the notice of claim should have been filed.

31 (2) (a) (i) Subject to Subsections (2)(a)(ii) and (b), a claimant may pursue an action in  
32 the district court against the governmental entity or an employee of the entity.

33 (ii) A claimant may not file an action before the date that is 60 days after the claimant's  
34 notice of claim is filed.

35 (b) Subject to Subsection (3), a claimant shall commence the action within two years  
36 after the claim arises, as provided in Subsection 63G-7-401(1), regardless of whether or not the  
37 function giving rise to the claim is characterized as governmental.

38 (3) (a) As used in this Subsection (3), "claimant" includes a representative of an  
39 individual:

40 (i) who dies before an action is begun under this section; and

41 (ii) whose cause of action survives the individual's death.

42 (b) A claimant may commence an action after the time limit described in Subsection  
43 (2)(b) if:

44 (i) the claimant had commenced a previous action within the time limit of Subsection  
45 (2)(b);

46 (ii) the previous action failed or was dismissed for a reason other than on the merits;  
47 and

48 (iii) the claimant commences the new action within one year after the previous action  
49 failed or was dismissed.

50 (c) A claimant may commence a new action under Subsection (3)(b) only once.