

28 or partnership, whether by negligence or willful intent of that other person, corporation,
29 association, or partnership, and whether that injury shall have resulted fatally or otherwise, the
30 plaintiff in the complaint may claim interest on the special damages actually incurred from the
31 date of the occurrence of the act giving rise to the cause of action.

32 (2) (a) It is the duty of the court, in entering judgment for plaintiff in [~~that~~] an action
33 described in Subsection (1), to add to the amount of special damages actually incurred that are
34 assessed by the verdict of the jury, or found by the court, interest on that amount calculated [~~at~~
35 ~~the legal rate, as defined~~] in [~~Section 15-1-1~~] accordance with Subsection (2)(b), from the date
36 of the occurrence of the act giving rise to the cause of action to the date of entering the
37 judgment, and to include it in that judgment.

38 (b) For purposes of Subsection (2)(a), interest shall be calculated at the federal
39 postjudgment interest rate as defined in Section 15-1-4, as of January 1 of each year, plus 2%.

40 (3) As used in this section, "special damages actually incurred" does not include
41 damages for future medical expenses, loss of future wages, or loss of future earning capacity.

Legislative Review Note
as of 11-19-03 4:28 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel