

1 **PERSONAL INJURY JUDGMENT INTEREST**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: James A. Dunnigan**

5 Senate Sponsor: Ralph Okerlund

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the interest rate on personal injury damages.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ changes the rate of interest on damages for personal injury actions.

13 **Monies Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **78B-5-824**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

22 Section 1. Section **78B-5-824** is amended to read:

23 **78B-5-824. Personal injury judgments -- Interest authorized.**

24 (1) In all actions brought to recover damages for personal injuries sustained by any
25 person, [~~resulting from or occasioned by the tort of any other person, corporation, association,~~
26 ~~or partnership, whether by~~] caused by the negligence or willful intent of [~~that other~~] another
27 person, corporation, association, or partnership, and whether the injury was fatal or otherwise,
28 the plaintiff in the complaint may claim interest on special damages actually incurred from the
29 date of the occurrence of the act giving rise to the cause of action.

30 (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to
31 the amount of special damages actually incurred that are assessed by the verdict of the jury, or
32 found by the court, prejudgment interest on that amount calculated at [~~the legal rate, as~~
33 ~~defined in Section 15-1-1]~~ 7.5% simple interest per annum, from the date of the occurrence of
34 the act giving rise to the cause of action to the date of entering the judgment, and to include it
35 in that judgment.

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