

S.B. 212
JUDICIAL CODE AMENDMENTS

Senator **Ralph Okerlund** proposes the following amendments:

1. *Page 2, Lines 30 through 35a*
Senate 2nd Reading Amendments
3-11-2013:

30 (2) ~~{It}~~ **The plaintiff is entitled to recover any claimed interest on special damages actually incurred only if, no later than 30 days prior to the commencement of trial, the plaintiff extends to the defendant a written offer of settlement and that offer is within 20% of the total amount of damages awarded at trial against that defendant.**

(3) If the conditions in Subsection (2) are satisfied, 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 7.5% simple interest per
33 annum, from the date of the occurrence of the act giving rise to the cause of action to the date
34 of entering the judgment,] and to include it in that judgment. The court shall calculate

35 prejudgement interest using a per annum rate, which is \$→ ~~{+}~~ **one** ~~{+}~~ ~~{-two}~~ ←\$ percentage
\$→ ~~{+}~~ **point** ~~{+}~~

35a ~~{-points}~~ ←\$ above the prime

Renumber the remaining subsections accordingly.