

26 Utah Code Sections Affected:

27 AMENDS:

28 78B-5-824, as last amended by Laws of Utah 2009, Chapter 276



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

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

32 **78B-5-824. Personal injury judgments -- Interest authorized.**

33 (1) In all actions brought to recover damages for personal injuries sustained by any  
34 person, caused by the negligence or willful intent of another person, corporation, association,  
35 or partnership, and whether the injury was fatal or otherwise, the plaintiff, including a  
36 counterclaim plaintiff ~~H→~~ or a crossclaim plaintiff ~~←H~~, in the complaint may claim interest on  
36a special damages actually  
37 incurred [~~from the date of the occurrence of the act giving rise to the cause of action].~~

38 [~~(2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to~~  
39 ~~the amount of special damages actually incurred that are assessed by the verdict of the jury, or~~  
40 ~~found by the court, prejudgment interest on that amount calculated at 7.5% simple interest per~~  
41 ~~annum, from the date of the occurrence of the act giving rise to the cause of action to the date~~  
42 ~~of entering the judgment, and to include it in that judgment.]~~

43 (2) A plaintiff, including a counterclaim plaintiff ~~H→~~ or a crossclaim plaintiff ~~←H~~,  
43a seeking to recover damages for  
44 personal injury or wrongful death may claim prejudgment interest if for cases classified as tier  
45 1, pursuant to the Utah Rules of Civil Procedure, the plaintiff tenders:

46 (a) a written settlement demand, including settlement demands under Utah Rule of  
47 Civil Procedure 68; and

48 (b) the amount of the demand does not exceed 1-1/3 of the amount of the judgment  
49 eventually awarded at trial.

50 (3) For purposes of this statute, the determining offer and counteroffer shall be the last  
51 written offer or counteroffer timely tendered by a party, provided that the offer or counteroffer  
52 is tendered at least 60 days before trial.

53 (4) Cases classified as tier 2 or tier 3 by the Utah Rules of Civil Procedure or submitted  
54 to binding arbitration in accordance with Sections 18-1-4 and 31A-22-321 are not subject to the  
55 requirements outlined in Subsection (2).

56 (5) (a) Any prejudgment interest shall be computed as simple interest. For first special