

Representative James A. Dunnigan proposes the following substitute bill:

INTEREST RATES ON JUDGMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies provisions of the Judicial Code related to interest on judgments.

Highlighted Provisions:

This bill:

- ▶ changes the interest rate for certain judgments from 10% to the federal court system interest rate plus 4%; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-27-44, as last amended by Chapter 123, Laws of Utah 1991

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

Section 1. Section **78-27-44** is amended to read:

78-27-44. Personal injury judgments -- Interest authorized.

(1) In all actions brought to recover damages for personal injuries sustained by any



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

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

37 (b) For purposes of Subsection (2)(a), interest shall be calculated at the interest rate
38 established for the federal court system under 28 U.S.C. Sec. 1961, as of January 1 of the year
39 of the occurrence of the act giving rise to the cause of action described in Subsection (1), plus
40 4%.

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

Legislative Review Note

as of 2-2-04 11:15 AM

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

Office of Legislative Research and General Counsel