

**PERSONAL INJURY JUDGMENT INTEREST**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: Ralph Okerlund

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**LONG TITLE**

**General Description:**

This bill amends the ~~the~~ ~~[date that a plaintiff may claim]~~ ~~the~~ ~~interest~~ ~~rate~~ ~~on~~ ~~[special] personal injury~~ ~~damages~~ ~~[and~~ ~~defines interest as simple interest and not compounded interest]~~ .

**Highlighted Provisions:**

This bill:

~~[requires interest accrued on special damages to be simple interest, not compound interest; and]~~

changes the ~~[date from which]~~ ~~rate of~~ ~~interest~~ ~~[is accrued for special damages from the date of the occurrence of the act giving rise to the cause of the action to the date that the damage was actually incurred.]~~ on damages for personal injury actions.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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



28           **78B-5-824. Personal injury judgments -- Interest authorized.**

29           (1) In all actions brought to recover damages for personal injuries sustained by any  
 30 person, [~~resulting from or occasioned by the tort of any other person, corporation, association,~~  
 31 ~~or partnership, whether by~~] caused by the negligence or willful intent of [that other] another  
 32 person ~~Ĥ→ [f] , corporation, association, or partnership [f] [or entity] ←Ĥ~~ , and whether the  
 32a injury was fatal or  
 33 otherwise, the plaintiff in the complaint may claim interest on special damages actually  
 34 incurred ~~Ĥ→ [f] from the date of the occurrence of the act giving rise to the cause~~  
 34a ~~of action [f] ←Ĥ~~ .

35           (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to  
 36 the amount of special damages actually incurred that are assessed by the verdict of the jury, or  
 37 found by the court, prejudgment interest on that amount calculated at ~~Ĥ→ [the legal rate, as defined~~  
 38 ~~in Section 15-1-1] 7.5% simple interest per annum ←Ĥ~~ , ~~Ĥ→ [f] from the date of the~~  
 38a ~~occurrence of the act giving rise to the cause of action~~  
 39 ~~to the date of entering the judgment, [f] ←Ĥ~~ and to include it in that judgment.

40           ~~Ĥ→ [(3) Interest claimed on any special damage shall be computed from the date the damage~~  
 41 ~~was actually incurred.]~~

42           ~~———— (4) Interest under Subsections (1) and (2) shall be simple and not compounded.]~~

43           [f] (3) [f] ~~[(5)] ←Ĥ~~ As used in this section, "special damages actually incurred" does not  
 43a include  
 44 damages for future medical expenses, loss of future wages, or loss of future earning capacity.

**Legislative Review Note**  
 as of 2-5-09 10:14 AM

**Office of Legislative Research and General Counsel**

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**H.B. 192 - Personal Injury Judgment Interest**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may decrease interest payments made by defendants to plaintiffs. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments.

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2/12/2009, 8:59:11 AM, Lead Analyst: Syphus, G.

**Office of the Legislative Fiscal Analyst**



