

PERSONAL INJURY JUDGMENT INTEREST

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill amends the date that a plaintiff may claim interest on special 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 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.

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

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[~~, corporation, association, or partnership~~] or entity, and whether the injury was fatal or
33 otherwise, the plaintiff in the complaint may claim interest on special damages actually
34 incurred [~~from the date of the occurrence of the act giving rise to the cause of action~~].

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 the legal rate, as defined
38 in Section 15-1-1, [~~from the date of the occurrence of the act giving rise to the cause of action~~
39 ~~to the date of entering the judgment,~~] and to include it in that judgment.

40 (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 [~~(3)~~] (5) As used in this section, "special damages actually incurred" does not 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

H.B. 192 - Personal Injury Judgment Interest

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
