



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 23, 2009

Mr. Speaker:

The Business and Labor Committee reports a favorable recommendation on **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, with the following amendments and recommends it be placed on the Consent Calendar.

1. *Page 1, Lines 9 through 17:*

9 This bill amends the ~~{date that a plaintiff may claim}~~ the interest
10 rate on ~~{special}~~ personal injury damages ~~{, and~~
11 defines interest as simple interest and not compounded interest} .
12 Highlighted Provisions:
13 This bill:
14 ~~{requires interest accrued on special damages to be simple interest, not~~
15 ~~interest; and}~~
16 ~~changes the {date from which} rate of interest {is accrued for~~
17 ~~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.

2. *Page 2, Lines 28 through 44:*

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,~~
31 ~~association,~~
32 ~~or partnership, whether by]~~ caused by the negligence or willful intent of [that other]
33 another
34 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

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action {+} .

35 (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add
36 to
37 the amount of special damages actually incurred that are assessed by the verdict of the
38 jury, or
39 found by the court, prejudgment interest on that amount calculated at ~~{the legal rate, as~~
40 ~~defined~~
41 ~~in Section 15-1-1}~~ 7.5% simple interest per annum , {+} from the date of the
42 occurrence of the act giving rise to the cause of action
43 to the date of entering the judgment, {+} and to include it in that judgment.
44 ~~{(3) Interest claimed on any special damage shall be computed from the date~~
~~the damage~~
~~was actually incurred.~~
~~(4) Interest under Subsections (1) and (2) shall be simple and not~~
~~compounded.}~~

43 {+} (3) {+} ~~{(5)}~~ As used in this section, "special damages actually
44 incurred" does not include
45 damages for future medical expenses, loss of future wages, or loss of future earning
46 capacity.

Respectfully,

James A. Dunnigan
Committee Chair

Voting: 14-0-0

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