

# H.B. 192

## PERSONAL INJURY JUDGMENT INTEREST

Representative **Francis D. Gibson** proposes the following amendments:

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

9 This bill amends the date that a plaintiff may claim interest on special damages~~[, and~~  
10 ~~defines interest as simple interest and not compounded interest]~~.  
11 Highlighted Provisions:  
12 This bill:  
13 ▶ requires interest accrued on special damages to be simple interest {~~, not compound~~  
14 ~~interest~~} **unless the action involves a medical provider who calculates otherwise;**  
▶ **makes calculation of prejudgment interest the responsibility of the defendant** ; and  
15 ▶ changes the date from which interest is accrued for special damages from the date of  
16 the occurrence of the act giving rise to the cause of the action to the date that the  
17 damage was actually incurred.

2. *Page 2, Lines 35 through 44:*

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 **or** , **if a medical expense, at the customary interest rate of the medical provider,**  
**whichever is greater,** [~~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 , **unless the medical**  
**services provider customarily compounds interest, in which case the interest under Subsections (1) and**  
**(2) shall be compounded in the same manner** .

**(5) In all actions brought to recover damages for personal injury, the defendant shall accurately**  
**calculate any prejudgment interest and establish the accuracy of the calculation. If the defendant does**  
**not, any prejudgment interest on special damages shall be calculated at the legal rate as defined in**  
**Section 15-1-1 from the date of the occurrence of the act giving rise to the cause of action to the date**  
**judgment is entered.**

43 [(3)] {~~(5)~~} **(6)** 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.