

H.B. 192

PERSONAL INJURY JUDGMENT INTEREST

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 2

FEBRUARY 23, 2009 4:20 PM

Representative **James A. Dunnigan** 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;
▶ lowers the interest rate for personal injury actions to 8% ; 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) (a) It is the duty of the court, in entering judgment for plaintiff in {~~that~~} a personal
injury action, to add to the judgment
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~~} =
(i) 8% simple interest per annum; or
(ii) if a medical expense, at the customary interest rate of the medical provider .
(b) The defendant shall elect the method of calculation to be used at the time of entry of
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~~} Subsection (2) (a) shall be simple and not
compounded. Interest under Subsection (2)(b) shall be simple unless the medical services provider
customarily compounds interest, in which case the interest shall be compounded in the same manner.
(5) In all actions brought to recover damages for personal injury, the defendant shall calculate any
prejudgment interest and establish the accuracy of the calculation to the satisfaction of the court. If the
court is not satisfied that the calculation is reasonably accurate, it shall order that the prejudgment

interest on special damages be calculated at 8% per annum 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.