

H.B. 192

PERSONAL INJURY JUDGMENT INTEREST

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-}~~ the interest rate on
10 ~~{-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 compound~~
15 ~~interest;and-}~~
16 ~~changes the {-date from which-}~~ rate of interest ~~{is accrued for special damages~~
17 ~~from the date of~~
18 ~~the occurrence of the act giving rise to the cause of the action to the date that the~~
19 ~~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, 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
33 was fatal or
34 otherwise, the plaintiff in the complaint may claim interest on special damages actually
35 incurred ~~{+}~~ from the date of the occurrence of the act giving rise to the cause of action ~~{+}~~ .
36 (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to
37 the amount of special damages actually incurred that are assessed by the verdict of the jury, or
38 found by the court, prejudgment interest on that amount calculated at ~~{-the legal rate, as defined~~
39 ~~in Section 15-1-1-}~~ 7.5% simple interest per annum , ~~{+}~~ from the date of the occurrence of the
40 act giving rise to the cause of action
41 to the date of entering the judgment, {+} and to include it in that judgment.
42 ~~{(3) Interest claimed on any special damage shall be computed from the date the damage~~
43 ~~was actually incurred.-}~~
44 ~~-----{(4) Interest under Subsections (1) and (2) shall be simple and not compounded.-}~~
45 ~~{+}~~ (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.