

JUDICIAL CODE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions related to interest accrued in personal injury judgments.

Highlighted Provisions:

This bill:

- amends the rate calculation for prejudgment interest accrued in personal injury judgments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-5-824, as last amended by Laws of Utah 2009, Chapter 276

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 78B-5-824 is amended to read:

78B-5-824. Personal injury judgments -- Interest authorized.

(1) In all actions brought to recover damages for personal injuries sustained by any person, caused by the negligence or willful intent of another person, corporation, association, or partnership, and whether the injury was fatal or otherwise, the plaintiff in the complaint may



28 claim interest on special damages actually incurred [~~from the date of the occurrence of the act~~
 29 ~~giving rise to the cause of action~~].

30 (2) It is the duty of the court, in entering judgment for plaintiff in that action, to add to
 31 the amount of special damages actually incurred that are assessed by the verdict of the jury, or
 32 found by the court, prejudgment interest on that amount [~~calculated at 7.5% simple interest per~~
 33 ~~annum, from the date of the occurrence of the act giving rise to the cause of action to the date~~
 34 ~~of entering the judgment;~~] and to include it in that judgment. The court shall calculate
 35 prejudgement interest using a per annum rate, which is \$→ [one] two ←\$ percentage \$→ [point]
 35a points ←\$ above the prime
 36 rate, as published by the board of governors of the federal reserve system on the first business
 37 day in January of the calendar year \$→ in which the plaintiff is first treated. [in which the
 37a judgment is entered;] [and] The prejudgment interest rate applied may not be above 10 percent
 37b nor below 5 percent. The prejudgment interest ←\$ shall be computed as
 38 simple interest accruing during the period from the date \$→ [90 days after commencement of the
 39 lawsuit] the plaintiff is first treated ←\$ to the date \$→ [entering] on which ←\$ the judgment
 39a \$→ is entered ←\$.

40 (3) As used in this section, "special damages actually incurred" does not include
 41 damages for future medical expenses, loss of future wages, or loss of future earning capacity.

\$→ (4) This section applies to injuries that occur after May 14, 2013. ←\$

Legislative Review Note
 as of 2-15-13 8:13 AM

Office of Legislative Research and General Counsel