

S.B. 212
JUDICIAL CODE AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 6, 2013 3:39 PM

Senator **Stephen H. Urquhart** proposes the following amendments:

1. *Page 2, Lines 30 through 39:*

30 (2) ~~{It}~~ The plaintiff is entitled to recover any claimed interest on special damages actually
incurred only if, no later than 30 days prior to the commencement of trial, the plaintiff extends to the
defendant a written offer of settlement and that offer is not more than the total amount of damages
awarded at trial against that defendant, after adjustment for any determinations of comparative fault,
additur, remittitur, set-off, or credit.

(3) If the conditions in Subsection (2) are satisfied, 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 prejudgment interest using a per annum rate, which is one percentage point 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 judgment is entered, ~~{and}~~ although the prejudgment
interest applied may not be above 10% nor below 5%. 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}~~ that the written offer of settlement was extended to the date of entering the judgment.