

1 **POSTJUDGMENT INTEREST AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: V. Lowry Snow

7 **LONG TITLE**

8 **General Description:**

9 This bill increases the postjudgment interest rate.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ increases the postjudgment interest rate addition on the first \$10,000 from 2% to
- 13 10%; and
- 14 ▶ specifies that a final judgment is the judgment rendered after exhaustion of all
- 15 appeals.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **15-1-4**, as last amended by Laws of Utah 2011, Chapter 79

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

25 Section 1. Section **15-1-4** is amended to read:

26 **15-1-4. Interest on judgments.**

27 (1) As used in this section[~~,"federal"~~]:

28 (a) "Federal postjudgment interest rate" means the interest rate established for the
29 federal court system under 28 U.S.C. Sec. 1961, as amended.

30 (b) "Final judgment" means the judgment rendered when all avenues of appeal have
31 been exhausted.

32 (2) (a) Except as provided in Subsection (2)(b), a judgment rendered on a lawful
33 contract shall conform to the contract and shall bear the interest agreed upon by the parties,
34 which shall be specified in the judgment.

35 (b) A judgment rendered on a deferred deposit loan subject to Title 7, Chapter 23,
36 Check Cashing and Deferred Deposit Lending Registration Act, shall bear interest at the rate
37 imposed under Subsection (3) on an amount not exceeding the sum of:

- 38 (i) the total of the principal balance of the deferred deposit loan;
- 39 (ii) interest at the rate imposed by the deferred deposit loan agreement for a period not
40 exceeding 10 weeks as provided in Subsection 7-23-401(4);
- 41 (iii) costs;
- 42 (iv) attorney fees; and
- 43 (v) other amounts allowed by law and ordered by the court.

44 (3) (a) Except as otherwise provided by law, all other final civil and criminal
45 judgments of the district court and justice court shall bear interest at the federal postjudgment
46 interest rate as of January 1 of each year, plus 2%.

47 (b) Except as otherwise provided by law or contract, all final judgments under \$10,000
48 in actions regarding the purchase of goods and services shall bear interest at the federal post
49 judgment interest rate as of January 1 of each year, plus 10%.

50 ~~(b)~~ (c) The postjudgment interest rate in effect at the time of the judgment shall
51 remain the interest rate for the duration of the judgment.

52 ~~(c)~~ (d) The interest on criminal judgments shall be calculated on the total amount of
53 the judgment.

54 ~~(d)~~ (e) Interest paid on state revenue shall be deposited in accordance with Section
55 63A-3-505.

56 ~~(e)~~ (f) Interest paid on revenue to a county or municipality shall be paid to the general
57 fund of the county or municipality.

