

1                                   **JUDGMENT INTEREST RATE AMENDMENTS**

2   2017 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 clarifies provisions relating to postjudgment interest rates.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ clarifies the postjudgment interest rate for a final judgment less than \$10,000; and
- 13           ▶ makes technical corrections.

14 **Money Appropriated in this Bill:**

15           None

16 **Other Special Clauses:**

17           None

18 **Utah Code Sections Affected:**

19 AMENDS:

20           **15-1-4**, as last amended by Laws of Utah 2014, Chapter 281

---

---

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

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

24           **15-1-4. Interest on judgments.**

25           (1) As used in this section[~~:(a) "Federal"~~], "federal postjudgment interest rate" means  
26 the interest rate established for the federal court system under 28 U.S.C. Sec. 1961, as  
27 amended.



28 ~~[(b) "Final judgment" means the judgment rendered when all avenues of appeal have~~  
 29 ~~been exhausted.]~~

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

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

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

42 (3) (a) Except as otherwise provided by law, ~~§~~ → or as governed by Subsection (4)  
 42a ~~§~~ → ~~[(a)]~~ ← ~~§~~ , ← ~~§~~

42a all other final civil and criminal  
 43 judgments of the district court and justice court shall bear interest at the federal postjudgment  
 44 interest rate as of January 1 of each year, plus 2%.

45 ~~[(b) Except as otherwise provided by law or contract, all final judgments under~~  
 46 ~~\$10,000 in actions regarding the purchase of goods and services shall bear interest at the~~  
 47 ~~federal post judgment interest rate as of January 1 of each year, plus 10%.]~~

48 ~~[(c)]~~ (b) The postjudgment interest rate in effect at the time of the judgment shall  
 49 remain the interest rate for the duration of the judgment.

50 ~~[(d)]~~ (c) The interest on criminal judgments shall be calculated on the total amount of  
 51 the judgment.

52 ~~[(e)]~~ (d) Interest paid on state revenue shall be deposited in accordance with Section  
 53 ~~63A-3-505~~.

54 ~~[(f)]~~ (e) Interest paid on revenue to a county or municipality shall be paid to the general  
 55 fund of the county or municipality.

56 (4) ~~§~~ → ~~[The postjudgment interest rate on a]~~ ~~§~~ ← ~~§~~ judgment under \$10,000 in an action  
 56a regarding

57 the purchase of goods and services shall bear interest ~~§~~ → [as follows:

58 ~~— (a) except as provided in Subsection (4)(b);]~~ ← ~~§~~ from the date on which the district court or

59 justice court enters the judgment ~~at~~ 10% plus the federal postjudgment interest  
59a rate ~~;~~ or  
60 ~~—— (b) if the judgment is appealed and the appeal is successful, 2% plus the federal~~  
61 ~~postjudgment interest rate made retroactive to the date on which the district court or justice~~  
62 ~~court entered the judgment]~~ ~~.~~

---

---

Legislative Review Note  
Office of Legislative Research and General Counsel