

JUDGMENT INTEREST AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Ed Mayne

LONG TITLE

General Description:

This bill modifies provisions related to interest.

Highlighted Provisions:

This bill:

▶ addresses the interest that can be charged on a judgment related to a deferred deposit loan; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

15-1-4, as last amended by Chapter 149, Laws of Utah 2000

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

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

15-1-4. Interest on judgments.

(1) As used in this section, "federal postjudgment interest rate" means the interest rate established for the federal court system under 28 U.S.C. Sec. 1961, as amended.

(2) ~~Any~~ (a) Except as provided in Subsection (2)(b), a judgment rendered on a lawful



28 contract shall conform to the contract and shall bear the interest agreed upon by the parties,
29 which shall be specified in the judgment.

30 (b) A judgment rendered on a deferred deposit loan subject to Title 7, Chapter 23,
31 Check Cashing Registration Act, shall bear interest at the rate imposed under Subsection (3) on
32 an amount not exceeding the sum of:

33 (i) the total of the principal balance of the deferred deposit loan;

34 (ii) interest at the rate imposed by the deferred deposit loan agreement for a period not
35 exceeding 12 weeks as provided in Subsection 7-23-105(4);

36 (iii) costs;

37 (iv) attorney fees; and

38 (v) other amounts allowed by law and ordered by the court.

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

42 (b) The postjudgment interest rate in effect at the time of the judgment shall remain the
43 interest rate for the duration of the judgment.

44 (c) The interest on criminal judgments shall be calculated on the total amount of the
45 judgment.

46 (d) Interest paid on state revenue shall be deposited in accordance with Section
47 63A-8-301.

48 (e) Interest paid on revenue to a county or municipality shall be paid to the general
49 fund of the county or municipality.

Legislative Review Note

as of 1-24-05 11:20 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0138

Judgment Interest Amendments

28-Jan-05

10:57 AM

State Impact

No fiscal impact.

Individual and Business Impact

While reliable estimates cannot be made, any revenues lost to businesses would be the gains to consumers.

Office of the Legislative Fiscal Analyst