

E2SSB 5155 - H COMM AMD

By Committee on Civil Rights & Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.56.110 and 2019 c 371 s 1 are each amended to
4 read as follows:

5 Interest on judgments shall accrue as follows:

6 (1) Judgments founded on written contracts, providing for the
7 payment of interest until paid at a specified rate, shall bear
8 interest at the rate specified in the contracts: PROVIDED, That said
9 interest rate is set forth in the judgment.

10 (2) All judgments for unpaid child support that have accrued
11 under a superior court order or an order entered under the
12 administrative procedure act shall bear interest at the rate of
13 twelve percent.

14 (3) (a) (~~Judgments~~) (i) Except as otherwise provided in this
15 subsection (3), judgments founded on the tortious conduct of a
16 "public agency" as defined in RCW 42.30.020 shall bear interest from
17 the date (~~of entry~~) the cause of action accrued at two percentage
18 points above the equivalent coupon issue yield, as published by the
19 board of governors of the federal reserve system, of the average bill
20 rate for twenty-six week treasury bills as determined at the first
21 bill market auction conducted during the calendar month immediately
22 preceding the date of entry. (~~In any case where a court is directed~~
23 ~~on review to enter judgment on a verdict or in any case where a~~
24 ~~judgment entered on a verdict is wholly or partly affirmed on review,~~
25 ~~interest on the judgment or on that portion of the judgment affirmed~~
26 ~~shall date back to and shall accrue from the date the verdict was~~
27 ~~rendered.))~~

28 (ii) Judgments founded on tortious conduct that occurred while
29 the plaintiff was a minor shall bear interest from the date of
30 written notification to the defendant or the defendant's agent that

1 an injury has occurred and that a claim may be brought or has been
2 brought, at the same rate as in (a) (i) of this subsection (3).

3 (b) (i) Except as otherwise provided in ~~((a)–(f))~~ this subsection
4 (3), judgments founded on the tortious conduct of individuals or
5 other entities that are not a "public agency" as defined in RCW
6 42.30.020, whether acting in their personal or representative
7 capacities, shall bear interest from the date ~~((of entry))~~ the cause
8 of action accrued at two percentage points above the prime rate, as
9 published by the board of governors of the federal reserve system on
10 the first business day of the calendar month immediately preceding
11 the date of entry. ~~((In any case where a court is directed on review~~
12 ~~to enter judgment on a verdict or in any case where a judgment~~
13 ~~entered on a verdict is wholly or partly affirmed on review, interest~~
14 ~~on the judgment or on that portion of the judgment affirmed shall~~
15 ~~date back to and shall accrue from the date the verdict was~~
16 ~~rendered.))~~

17 (ii) Judgments founded on tortious conduct that occurred while
18 the plaintiff was a minor shall bear interest from the date of
19 written notification to the defendant or the defendant's agent that
20 an injury has occurred and that a claim may be brought or has been
21 brought, at the same rate as in (b) (i) of this subsection (3).

22 (4) Except as provided under subsection (1) of this section,
23 judgments for unpaid private student loan debt, as defined in RCW
24 6.01.060, shall bear interest from the date of entry at two
25 percentage points above the prime rate, as published by the board of
26 governors of the federal reserve system on the first business day of
27 the calendar month immediately preceding the date of entry.

28 (5) Except as provided under subsection (1) of this section,
29 judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall
30 bear interest from the date of entry at a rate of nine percent.

31 (6) Except as provided under subsections (1) through (5) of this
32 section, judgments shall bear interest from the date of entry at the
33 maximum rate permitted under RCW 19.52.020 on the date of entry
34 thereof. In any case where a court is directed on review to enter
35 judgment on a verdict or in any case where a judgment entered on a
36 verdict is wholly or partly affirmed on review, interest on the
37 judgment or on that portion of the judgment affirmed shall date back
38 to and shall accrue from the date the verdict was rendered. The
39 method for determining an interest rate prescribed by this subsection

1 is also the method for determining the "rate applicable to civil
2 judgments" for purposes of RCW 10.82.090.

3 NEW SECTION. **Sec. 2.** RCW 4.56.111 (Interest on judgments—Rate)
4 and 2010 c 149 s 2 are each repealed."

5 Correct the title.

EFFECT: (1) Applies prejudgment interest to judgments founded on the tortious conduct of public agencies.

(2) Removes exemption from prejudgment interest for medical malpractice claims and thereby applies prejudgment interest to all judgments founded on the tortious conduct of individuals and other entities.

(3) Provides that judgments founded on tortious conduct that occurred while plaintiff was a minor bear interest from the date of written notification to defendant or defendant's agent that an injury has occurred and that a claim may be brought or has been brought, at the same rate as currently specified in the statute.

(4) Removes provisions that limit prejudgment interest to judgments entered following trial of the matter and arbitration awards.

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