

9765

I N A S S E M B L Y

April 2, 2012

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Banks

AN ACT to amend the banking law and the civil practice law and rules, in relation to the rate of interest to be paid upon judgments and accrued claims

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The banking law is amended by adding a new section 7-a to
2 read as follows:
3 S 7-A. RATE OF INTEREST ON MONEY JUDGMENTS. UNLESS OTHERWISE PROVIDED
4 BY CONTRACT OR ANY OTHER PROVISION OF LAW, THE INTEREST ON MONEY JUDG-
5 MENTS SHALL BE CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR
6 CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS
7 OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE
8 OF THE ENTRY OF THE JUDGMENT AWARDED DAMAGES, EXCEPT WHERE OTHERWISE
9 PROVIDED BY STATUTE. IN NO EVENT, HOWEVER, SHALL THE RATE OF INTEREST ON
10 ANY JUDGMENT OR ACCRUED CLAIM EXCEED NINE PER CENTUM PER ANNUM.
11 S 2. Section 5004 of the civil practice law and rules, as amended by
12 chapter 258 of the laws of 1981, is amended to read as follows:
13 S 5004. Rate of interest. Interest shall be [at the rate of nine per
14 centum per annum] CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE
15 YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF
16 GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING
17 THE DATE OF THE ENTRY OF THE JUDGMENT AWARDED DAMAGES, except where
18 otherwise provided by statute. IN NO EVENT, HOWEVER, SHALL THE RATE OF
19 INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM EXCEED NINE PER CENTUM PER
20 ANNUM.
21 S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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