S T A T E O F N E W Y O R K

5207

2015-2016 Regular Sessions

I N S E N A T E

May 7, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed 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:

Section 1. The banking law is amended by adding a new section 7-a to read as follows:

S 7-A. RATE OF INTEREST ON MONEY JUDGMENTS. UNLESS OTHERWISE PROVIDED BY CONTRACT OR ANY OTHER PROVISION OF LAW, THE INTEREST ON MONEY JUDGMENTS SHALL BE CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE OF THE ENTRY OF THE JUDGMENT AWARDING DAMAGES, EXCEPT WHERE OTHERWISE PROVIDED BY STATUTE. IN NO EVENT, HOWEVER, SHALL THE RATE OF INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM EXCEED NINE PER CENTUM PER ANNUM.

S 2. Section 5004 of the civil practice law and rules, as amended by chapter 258 of the laws of 1981, is amended to read as follows:

S 5004. Rate of interest. Interest shall be [at the rate of nine per centum per annum] CALCULATED AT A RATE EQUAL TO THE WEEKLY AVERAGE ONE YEAR CONSTANT MATURITY TREASURY YIELD, AS PUBLISHED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, FOR THE CALENDAR WEEK PRECEDING THE DATE OF THE ENTRY OF THE JUDGMENT AWARDING DAMAGES, except where otherwise provided by statute. IN NO EVENT, HOWEVER, SHALL THE RATE OF INTEREST ON ANY JUDGMENT OR ACCRUED CLAIM EXCEED NINE PER CENTUM PER ANNUM.

S 3. This act shall take effect immediately.

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

LBD10893-01-5