STATE OF NEW YORK

3528

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to interest to be recovered upon a sum awarded in certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (a) and (c) of section 5001 of the civil practice law and rules are amended to read as follows:

(a) Actions in which recoverable. Interest shall be recovered upon a sum awarded because of a breach of performance of a contract, or because of an act or omission depriving or otherwise interfering with title to, or possession or enjoyment of, property, **or for bodily injury,** except that in an action of an equitable nature, interest and the rate and date from which it shall be computed shall be in the court's discretion.

(c) Specifying date; computing interest. The date from which interest is to be computed shall be specified in the verdict, report or decision. **In all cases involving bodily injury, the interest shall be computed from the date of injury or loss.** If a jury is discharged without specifying the date, the court upon motion shall fix the date, except that where the date is certain and not in dispute, the date may be fixed by the clerk of the court upon affidavit. The amount of interest shall be computed by the clerk of the court, to the date the verdict was rendered or the report or decision was made, and included in the total sum awarded.

§ 2. 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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