

2004 SESSION

INTRODUCED

040549484

HOUSE BILL NO. 1460

Offered January 23, 2004

A BILL to amend and reenact §§ 6.1-330.53, 6.1-330.54, and 8.01-382 of the Code of Virginia, relating to interest rates.

Patron—Reese

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.1-330.53, 6.1-330.54 and 8.01-382 of the Code of Virginia are amended and reenacted as follows:

§ 6.1-330.53. Legal rate of interest; when legal rate implied.

The legal rate of interest shall be an annual rate of ~~eight~~ seven percent. Except as provided in subsection (b) of § 8.3A-112 and § 6.1-330.54, the legal rate of interest shall be implied where there is an obligation to pay interest and no express contract to pay interest at a specified rate.

§ 6.1-330.54. Judgment rate of interest.

The judgment rate of interest shall be an annual rate of ~~nine~~ seven percent, except that a money judgment entered in an action arising from a contract shall carry interest at the rate lawfully charged on such contract, or at ~~nineseven~~ percent annually, whichever is higher. ~~Interest at the judgment rate, where no rate is fixed by the contract, shall apply to both prejudgment interest pursuant to § 8.01-382 and to post-judgment interest. If the contract or other instrument does not fix an interest rate, the court shall apply the judgment rate of seven percent to calculate prejudgment interest pursuant to § 8.01-382 and to calculate post-judgment interest.~~

§ 8.01-382. Verdict, judgment or decree to fix period at which interest begins; judgment or decree for interest.

In any action at law or suit in equity, the verdict of the jury, or if no jury the judgment or decree of the court, may provide for interest on any principal sum awarded, or any part thereof, and fix the period at which the interest shall commence. The judgment or decree entered shall provide for such interest until such principal sum be paid. If a judgment or decree be rendered which does not provide for interest, the judgment or decree awarded *or jury verdict* shall bear interest *at the judgment rate of interest as provided for in § 6.1-330.54* from its date of entry; ~~at the rate as provided in § 6.1-330.54, and judgment or decree entered accordingly; provided, if the judgment entered in accordance with the verdict of a jury does not provide for interest, interest shall commence~~ *or* from the date that the *jury* verdict was rendered. Notwithstanding the provisions of this section, any judgment entered for a sum due under a negotiable instrument, as defined by § 8.3A-104, shall provide for interest on the principal sum in accordance with § 8.3A-112 at the rate specified in the instrument. If no such rate is specified, interest on the principal sum shall be at the *judgment* rate provided in § 6.1-330.54.

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