

SENATE BILL No. 359

By Committee on Judiciary

1-31

1 AN ACT concerning interest on judgments; amending K.S.A. 16-201 and
2 repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 16-201 is hereby amended to read as follows: 16-
6 201. (a) *When no other rate of interest is agreed upon, creditors shall be*
7 *allowed to receive interest at the rate of ten percent per annum, when no*
8 *other rate of interest is agreed upon, for a rate per annum: (1) Which shall*
9 *change effective July 1 of each year for both judgments rendered prior to*
10 *such July 1 and judgments rendered during the twelve-month period*
11 *beginning such July 1; and (2) which is equal to an amount that is four*
12 *percentage points above the discount rate (the charge on loans to*
13 *depository institutions by the New York federal reserve bank as reported in*
14 *the money rates column of the wall street journal) as of July 1 preceding*
15 *the date the judgment was rendered. The secretary of state shall publish*
16 *notice of the interest rate provided by this subsection not later than the*
17 *second issue of the Kansas register published in July of each year. Such*
18 *rate shall attach to any money after it becomes due; for money lent or*
19 *money due on settlement of account, from the day of liquidating the*
20 *account and ascertaining the balance; for money received for the use of*
21 *another and retained without the owner's knowledge of the receipt; for*
22 *money due and withheld by an unreasonable and vexatious delay of*
23 *payment or settlement of accounts; for all other money due and to become*
24 *due for the forbearance of payment whereof an express promise to pay*
25 *interest has been made; and for money due from corporations and*
26 *individuals to their daily or monthly employees, from and after the end of*
27 *each month, unless paid within ~~fifteen~~ 15 days thereafter.*

28 (b) *A court shall not award prejudgment interest on any unliquidated,*
29 *punitive, exemplary or future damages that are found by the trier of fact.*
30 *As used in this paragraph, "future damages" means those damages that*
31 *will be incurred after the date of the judgment and includes, but is not*
32 *limited to, the costs of any injunctive or equitable relief that will be*
33 *provided after the date of judgment.*

34 Sec. 2. K.S.A. 16-201 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the Kansas register.