

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 539

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

L. SKIP VERNON

AN ACT

RELATING TO RATES OF INTEREST; PROVIDING FOR MAXIMUM RATES OF  
INTEREST TO BE CHARGED ON JUDGMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 56-8-4 NMSA 1978 (being Laws 1851-1852,  
p. 255, as amended) is amended to read:

"56-8-4. JUDGMENTS AND DECREES--BASIS OF COMPUTING  
INTEREST. --

A. Interest shall be allowed on judgments and  
decrees for the payment of money from entry and shall be  
calculated [~~at the rate of eight and three-quarters percent per  
year~~] from the date of the entry of the judgment at a rate equal  
to the coupon issue yield equivalent, as determined by the  
United States secretary of the treasury, of the average accepted  
auction price for the last auction of fifty-two week United

1 States treasury bills settled immediately prior to the date of  
2 the judgment, unless the judgment is rendered on a written  
3 instrument having a different rate of interest, in which case  
4 interest shall be computed at a rate no higher than specified in  
5 the instrument [~~or the judgment is based on tortious conduct,~~  
6 ~~bad faith, intentional or willful acts, in which case interest~~  
7 ~~shall be computed at the rate of fifteen percent~~].

8 B. The court in its discretion may allow interest  
9 [~~of up to ten percent~~] calculated from the date the complaint is  
10 served upon the defendant at a rate equal to the coupon issue  
11 yield equivalent, as determined by the United States secretary  
12 of the treasury, of the average accepted auction price for the  
13 last auction of fifty-two week United States treasury bills  
14 settled immediately prior to the date of the judgment, after  
15 considering among other things:

16 (1) if the plaintiff was the cause of  
17 unreasonable delay in the adjudication of the plaintiff's  
18 claims; and

19 (2) if the defendant had previously made a  
20 reasonable and timely offer of settlement to the plaintiff.

21 C. Nothing contained in this section shall affect  
22 the award of interest or the time from which interest is  
23 computed as otherwise permitted by statute or common law.

24 D. The state and its political subdivisions are  
25 exempt from the provisions of this section except as otherwise

Underscored material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

provided by statute or common law. "