

HOUSE BILL No. 1240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-22-1; IC 12-17.6-6-2; IC 24-4.6-1-101.

Synopsis: Postjudgment interest charges. Provides that, in calculating postjudgment interest in matters where there is no contract for interest: (1) no interest is due for the first 10 business days if there is no appeal of the judgment; and (2) a reduced rate of interest is owed if an appeal is filed.

Effective: July 1, 2018.

Washburne

January 16, 2018, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1240

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-15-22-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. If after investigation
3 the office determines that a provider has violated a Medicaid statute or
4 rule adopted under a Medicaid statute, the office may impose at least
5 one (1) of the following sanctions:

6 (1) Denial of payment to the provider for Medicaid services
7 provided during a specified time.
8 (2) Rejection of a prospective provider's application for
9 participation in the Medicaid program.
10 (3) Termination of a provider agreement permitting a provider's
11 participation in the Medicaid program.
12 (4) Assessment of a civil penalty against the provider in an
13 amount not to exceed three (3) times the amount paid to the
14 provider in excess of the amount that was legally due.
15 (5) Assessment of an interest charge, at a rate not to exceed the
16 rate established by ~~IC 24-4.6-1-101(2)~~ **IC 24-4.6-1-101** for
17 judgments on money, on the amount paid to the provider in excess



1 of the amount that was legally due. The interest charge accrues
 2 from the date of the overpayment to the provider.

3 SECTION 2. IC 12-17.6-6-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. If after investigation
 5 the office finds that a provider has violated this article or rule adopted
 6 under this article, the office may impose at least one (1) of the
 7 following sanctions:

- 8 (1) Deny payment to the provider for program services provided
 9 during a specified time.
- 10 (2) Reject a prospective provider's application for participation in
 the program.
- 12 (3) Terminate a provider agreement allowing a provider's
 participation in the program.
- 14 (4) Assess a civil penalty against the provider in an amount not to
 15 exceed three (3) times the amount paid to the provider that
 16 exceeds the amount that was legally due.
- 17 (5) Assess an interest charge, at a rate not to exceed the rate
 18 established by ~~IC 24-4.6-1-101(2)~~ **IC 24-4.6-1-101** for judgments
 19 on money, on the amount paid to the provider that exceeds the
 20 amount that was legally due. The interest charge accrues from the
 21 date of the overpayment to the provider.

22 SECTION 3. IC 24-4.6-1-101 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 101. **(a)** Except as
 24 otherwise provided by statute, interest on judgments for money
 25 whenever rendered shall be **calculated from the date of the return of**
 26 **the verdict or finding of the court until satisfaction at**

- 27 **(1)** the rate agreed upon in the original contract sued upon, which
 28 shall not exceed an annual rate of eight percent (8%) even though
 29 a higher rate of interest may properly have been charged
 30 according to the contract prior to judgment. **or**
 31 **(2)** an annual rate of eight percent (8%) if there was no contract
 32 by the parties.

33 **(b)** Except as otherwise provided by statute:

- 34 **(1)** where there is no contract for interest; and
- 35 **(2)** in cases where there is no appeal of the judgment;

36 no interest shall be due for the first ten (10) business days,
 37 provided full payment of the judgment is made in that period. If
 38 the judgment remains unpaid after ten (10) business days, interest
 39 shall be at an annual rate of eight percent (8%) from the date of
 40 the return of the verdict or finding of the court until satisfaction.

41 **(c)** Except as otherwise provided by statute, in cases where there
 42 is no contract for interest and an appeal of a judgment is filed,



1 **interest on judgments for money shall be calculated as follows:**
2 **(1) For the period commencing with the judgment and ending**
3 **with the issuance of the final dispositive appellate order, the**
4 **interest shall be at the rate established by IC 6-8.1-10-1.**
5 **(2) For the period commencing with the issuance of the final**
6 **dispositive appellate order, no interest shall be due for the**
7 **first ten (10) business days, provided full payment of the**
8 **judgment, plus the interest calculated in subdivision (1), is**
9 **paid in full.**
10 **If the judgment remains unpaid for ten (10) business days after**
11 **issuance of the final dispositive order, interest shall be at an annual**
12 **rate of eight percent (8%) from the date of the return of the final**
13 **dispositive order until satisfaction.**

