

2010 -- H 7277

LC00833

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
JUDGMENTS, ORDERS, AND DECREES

Introduced By: Representatives Gemma, Jacquard, Marcello, and Gallison

Date Introduced: January 28, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-21-10 of the General Laws in Chapter 9-21 entitled "Judgments,
2 Orders, and Decrees" is hereby amended to read as follows:

3 **9-21-10. Interest in civil actions.** -- (a) In any civil action in which a verdict is rendered
4 or a decision made for pecuniary damages, there shall be added by the clerk of the court to the
5 amount of damages interest at the rate of twelve percent (12%) per annum thereon from the date
6 the cause of action accrued, which shall be included in the judgment entered therein. Post-
7 judgment interest shall be calculated at the rate of twelve percent (12%) per annum and accrue on
8 both the principal amount of the judgment and the prejudgment interest entered therein. This
9 section shall not apply until entry of judgment or to any contractual obligation where interest is
10 already provided.

11 (b) Subsection (a) shall not apply in any action filed on or after January 1, 1987, for
12 personal injury or wrongful death filed against a licensed physician, hospital, clinic, health
13 maintenance organization, professional service corporation providing health care services, dentist,
14 or dental hygienist based on professional negligence. In all such medical malpractice actions in
15 which a verdict is rendered or a decision made for pecuniary damages, there shall be added by the
16 clerk of the court to the amount of damages interest at the rate of twelve percent (12%) per annum
17 thereon from the date of written notice of the claim by the claimant or his or her representative to
18 the malpractice liability insurer, or to the medical or dental health care provider or the filing of

1 the civil action, whichever first occurs.

2 (c) In any civil action in which a verdict is rendered or a decision made for pecuniary
3 damages, in whole or in part, against the state, its political subdivisions, and/or employees of said
4 entities while performing any act or omission under the scope of such employment, there shall be
5 no award of pre-judgment interest. Post judgment interest, however, shall be calculated at the rate
6 of twelve percent (12%) commencing four (4) weeks after the date the judgment was entered, per
7 annum and accrue on the principal amount of the judgment. This section shall not apply to any
8 contractual obligation of such public entity where interest is already provided.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would prohibit the award of the pre-judgment interest on any award made for
2 pecuniary damages against the state, its political subdivisions, and/or employees while
3 performing any act or omission under the scope of such employment.

4 This act would take effect upon passage.

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