

FILED MAR 03 1989  
*Judiciary*

SENATE FILE 330  
BY RUNNING and GENTLEMAN

(COMPANION TO LSB 2121H  
BY HALVORSON of Clayton)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the charging of interest prior to entry of a  
2 judgment or decree and providing for the applicability of the  
3 Act.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 330

1 Section 1. Section 25A.4, unnumbered paragraph 2, Code  
2 1989, is amended to read as follows:

3 The state ~~shall be~~ is liable in respect to such claims to  
4 the same claimants, in the same manner, and to the same extent  
5 as a private individual under like circumstances, except that  
6 the state ~~shall~~ is not ~~be~~ liable for ~~interest-prior-to~~  
7 ~~judgment-or-for~~ punitive damages. Costs shall be allowed in  
8 all courts to the successful claimant to the same extent as if  
9 the state were a private litigant.

10 Sec. 2. Section 535.3, Code 1989, is amended to read as  
11 follows:

12 535.3 INTEREST ON JUDGMENTS AND DECREES.

13 Interest ~~shall be~~ is allowed on all money due on judgments  
14 and decrees of courts at the rate of ten percent per year,  
15 unless a different rate is fixed by the contract on which the  
16 judgment or decree is rendered, in which case the judgment or  
17 decree shall draw interest at the rate expressed in the  
18 contract, not exceeding the maximum applicable rate permitted  
19 by ~~the-provisions-of~~ section 535.2, which rate must be  
20 expressed in the judgment or decree. The interest shall  
21 accrue from the date of the ~~commencement-of-the-action~~  
22 judgment or decree.

23 This section does not apply to the award of interest for  
24 judgments and decrees subject to section 668.13.

25 Sec. 3. Section 557A.16, subsection 2, Code 1989, is  
26 amended to read as follows:

27 2. If a developer or any other person subject to this  
28 chapter violates ~~any~~ a provision of this chapter or ~~any~~ a  
29 provision of the project or time-share instruments, ~~any~~ a  
30 person or class of persons damaged or otherwise adversely  
31 affected by the violation ~~shall have~~ has a claim for  
32 appropriate relief, which shall be brought in the county in  
33 which the time-share project is located or was offered or  
34 sold, in which the time-share offeror or time-share  
35 salesperson resides or is doing business upon tender of the

1 time-share interest sold, or in which the contract was made.  
2 The court may order the developer or other person subject to  
3 this chapter to refund the purchaser the full amount paid by  
4 the purchaser, ~~with-prejudgment-interest~~, less a portion of  
5 the amount paid representing the portion of any benefit the  
6 purchaser actually received or had the right to receive during  
7 the time preceding the tender. In all cases, the court may  
8 provide equitable relief it considers necessary or proper.  
9 The court may also award the person or class of persons  
10 reasonable attorney's fees. This action does not limit any  
11 other remedy of the purchaser.

12 Sec. 4. Section 668.13, subsection 1, Code 1989, is  
13 amended to read as follows:

14 1. ~~Interest, except interest awarded for future damages,~~  
15 ~~shall accrue~~ accrues from the date of the commencement of the  
16 action entry of judgment or decree.

17 Sec. 5. Section 668.13, subsection 4, Code 1989, is  
18 amended by striking the subsection.

19 Sec. 6. This Act applies to all judgments or decrees  
20 entered on or after the effective date of this Act.

21 EXPLANATION

22 This bill provides that interest on a judgment or decree  
23 will accrue from the date of the judgment or decree, rather  
24 than from the date of the commencement of the action. The  
25 bill also strikes references to prejudgment interest which  
26 appear in the Code and which are no longer necessary due to  
27 the effect of the bill.

28 Section 6 of the bill provides that the bill will apply to  
29 judgments and decrees entered on or after the effective date  
30 of the bill.

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