

Civil procedure; civil actions; judgment of interest applicable to a written instrument evidencing indebtedness that bears an interest rate on which judgments of interest are allowed; expand.

CIVIL PROCEDURE: Civil actions

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 6013 (MCL 600.6013), as amended by 1993 PA
78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6013. (1) Interest ~~shall be~~ IS allowed on a money
2 judgment recovered in a civil action, as provided in this
3 section. However, for complaints filed on or after October 1,
4 1986, interest ~~shall~~ IS not ~~be~~ allowed on future damages from
5 the date of filing the complaint to the date of entry of the
6 judgment. As used in this subsection, "future damages" means
7 that term as defined in section 6301.

8 (2) For complaints filed before June 1, 1980, in an action
9 involving other than a written instrument having a rate of
10 interest exceeding 6% per year, the interest on the judgment

1 ~~shall be~~ IS calculated from the date of filing the complaint to
2 June 1, 1980, at the rate of 6% per year and on and after June 1,
3 1980, to the date of satisfaction of the judgment at the rate of
4 12% per year compounded annually.

5 (3) For ~~complaints~~ A COMPLAINT filed before June 1, 1980,
6 in an action involving a written instrument having a rate of
7 interest exceeding 6% per year, the interest on the judgment
8 ~~shall be~~ IS calculated from the date of filing the complaint to
9 the date of satisfaction of the judgment at the rate specified in
10 the instrument if the rate was legal at the time the instrument
11 was executed. However, the rate after the date judgment is
12 entered shall not exceed EITHER OF the following:

13 (a) Seven percent per year compounded annually for ~~any~~ A
14 period of time between the date judgment is entered and the date
15 of satisfaction of the judgment that elapses before June 1,
16 1980.

17 (b) Thirteen percent per year compounded annually for ~~any~~
18 A period of time between the date judgment is entered and the
19 date of satisfaction of the judgment that elapses after May 31,
20 1980.

21 (4) For ~~complaints~~ A COMPLAINT filed on or after June 1,
22 1980, but before January 1, 1987, interest ~~shall be~~ IS calcu-
23 lated from the date of filing the complaint to the date of satis-
24 faction of the judgment at the rate of 12% per year compounded
25 annually unless the judgment is rendered on a written instrument
26 having a higher rate of interest. In that case interest ~~shall~~
27 ~~be~~ IS calculated at the rate specified in the instrument if the

1 rate was legal at the time the instrument was executed. The rate
2 shall not exceed 13% per year compounded annually after the date
3 judgment is entered.

4 (5) For ~~complaints~~ A COMPLAINT filed on or after
5 January 1, 1987, if a judgment is rendered on a NOTE, BOND, LAND
6 CONTRACT, INSURANCE CONTRACT, OR OTHER written instrument
7 EVIDENCING INDEBTEDNESS WITH A SPECIFIED INTEREST RATE, interest
8 ~~shall be~~ IS calculated from the date of filing the complaint to
9 the date of satisfaction of the judgment at the rate of 12% per
10 year compounded annually, unless the instrument has a higher rate
11 of interest. In that case interest ~~shall be~~ IS calculated at
12 the rate specified in the instrument if the rate was legal at the
13 time the instrument was executed. The rate shall not exceed 13%
14 per year compounded annually after the date judgment is entered.

15 (6) Except as otherwise provided in subsection (5) and
16 subject to subsection (11), for complaints filed on or after
17 January 1, 1987, interest on a money judgment recovered in a
18 civil action ~~shall be~~ IS calculated at 6-month intervals from
19 the date of filing the complaint at a rate of interest ~~that is~~
20 equal to 1% plus the average interest rate paid at auctions of
21 5-year United States treasury notes during the 6 months immedi-
22 ately preceding July 1 and January 1, as certified by the state
23 treasurer, and compounded annually, ~~pursuant~~ ACCORDING to this
24 section. Interest under this subsection ~~shall be~~ IS calculated
25 on the entire amount of the money judgment, including attorney
26 fees and other costs. ~~However, the~~ THE amount of interest
27 attributable to that part of the money judgment from which

1 attorney fees are paid ~~shall be~~ IS retained by the plaintiff,
2 and not paid to the plaintiff's attorney.

3 (7) If a bona fide, reasonable written offer of settlement
4 in a civil action based on tort is made by the party against whom
5 the judgment is subsequently rendered and is rejected by the
6 plaintiff, the court shall order that interest IS not ~~be~~
7 allowed beyond the date the bona fide, reasonable written offer
8 of settlement is filed with the court.

9 (8) Except as otherwise provided in subsection (1) and
10 subject to subsections (9) and (10), if a bona fide, reasonable
11 written offer of settlement in a civil action based on tort is
12 not made by the party against whom the judgment is subsequently
13 rendered, or is made and is not filed with the court, the court
14 shall order that interest be calculated from the date of filing
15 the complaint to the date of satisfaction of the judgment.

16 (9) If a civil action is based on medical malpractice and
17 the defendant in the medical malpractice action failed to allow
18 access to medical records as required under section ~~2912b(6)~~
19 2912B(5), the court shall order that interest be calculated from
20 the date notice was given in compliance with section 2912b to the
21 date of satisfaction of the judgment.

22 (10) If a civil action is based on medical malpractice and
23 the plaintiff in the medical malpractice action failed to allow
24 access to medical records as required under section ~~2912b(6)~~
25 2912B(5), the court shall order that interest be calculated from
26 182 days after the date the complaint was filed to the date of
27 satisfaction of the judgment.

1 (11) Except as otherwise provided in subsection (1), if a
2 bona fide, reasonable written offer of settlement in a civil
3 action based on tort is made by a plaintiff for whom the judgment
4 is subsequently rendered and that offer is rejected and the offer
5 is filed with the court, the court shall order that interest be
6 calculated from the date of the rejection of the offer to the
7 date of satisfaction of the judgment at a rate of interest equal
8 to 2% plus the rate of interest computed under subsection (6).

9 (12) A bona fide, reasonable written offer of settlement
10 made ~~pursuant~~ ACCORDING to this section that is not accepted
11 within 21 days after the offer is made is rejected. A rejection
12 under this subsection or otherwise does not preclude a later
13 offer by either party.

14 (13) As used in this section:

15 (a) "Bona fide, reasonable written offer of settlement"
16 means EITHER OF THE FOLLOWING:

17 (i) With respect to an offer of settlement made by a
18 defendant against whom judgment is subsequently rendered, a writ-
19 ten offer of settlement that is not less than 90% of the amount
20 actually received by the plaintiff in the action through
21 judgment.

22 (ii) With respect to an offer of settlement made by a plain-
23 tiff, a written offer of settlement that is not more than 110% of
24 the amount actually received by the plaintiff in the action
25 through judgment.

26 (b) "Defendant" means a defendant, a counter-defendant, or a
27 cross-defendant.

1 (c) "Party" means a plaintiff or a defendant.

2 (d) "Plaintiff" means a plaintiff, a counter-plaintiff, or a
3 cross-plaintiff.