

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Bill No. 813, Page 30, Section 339.549, Line  
2 17, by inserting after all of said section and line, the following:

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4 “408.040. 1. In all nontort actions, interest shall be allowed on all money due upon any  
5 judgment or order of any court from the date judgment is entered by the trial court until  
6 satisfaction be made by payment, accord or sale of property; all such judgments and orders for  
7 money upon contracts bearing more than nine percent interest shall bear the same interest borne  
8 by such contracts, and all other judgments and orders for money shall bear nine percent per annum  
9 until satisfaction made as aforesaid.

10 2. Notwithstanding the provisions of subsection 1 of this section, in tort actions, interest  
11 shall be allowed on all money due upon any judgment or order of any court from the date of  
12 judgment is entered by the trial court until full satisfaction. All such judgments and orders for  
13 money shall bear a per annum interest rate equal to the [intended Federal Funds Rate, as  
14 established by the Federal Reserve Board, plus five percent,] rate set by section 32.065 plus one  
15 percent until full satisfaction is made. The judgment shall state the applicable interest rate, which  
16 shall not vary once entered. In tort actions, if a claimant has made a demand for payment of a  
17 claim or an offer of settlement of a claim, to the party, parties or their representatives, and to such  
18 party's liability insurer if known to the claimant, and the amount of the judgment or order exceeds  
19 the demand for payment or offer of settlement, then prejudgment interest shall be awarded,  
20 calculated from a date ninety days after the demand or offer was received, as shown by the  
21 certified mail return receipt, or from the date the demand or offer was rejected without counter  
22 offer, whichever is earlier. In order to qualify as a demand or offer pursuant to this section, such  
23 demand must:

- 24 (1) Be in writing and sent by certified mail return receipt requested; and  
25 (2) Be accompanied by an affidavit of the claimant describing the nature of the claim, the  
26 nature of any injuries claimed and a general computation of any category of damages sought by  
27 the claimant with supporting documentation, if any is reasonably available; and  
28 (3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a list

1 of the names and addresses of medical providers who have provided treatment to the claimant or  
2 decedent for such injuries, copies of all reasonably available medical bills, a list of employers if  
3 the claimant is seeking damages for loss of wages or earning, and written authorizations sufficient  
4 to allow the party, its representatives, and liability insurer if known to the claimant to obtain  
5 records from all employers and medical care providers; and

6 (4) Reference this section and be left open for ninety days. Unless the parties agree in  
7 writing to a longer period of time, if the claimant fails to file a cause of action in circuit court  
8 prior to a date one hundred twenty days after the demand or offer was received, then the court  
9 shall not award prejudgment interest to the claimant. If the claimant is a minor or incompetent or  
10 deceased, the affidavit may be signed by any person who reasonably appears to be qualified to act  
11 as next friend or conservator or personal representative. If the claim is one for wrongful death, the  
12 affidavit may be signed by any person qualified pursuant to section 537.080 to make claim for the  
13 death. Nothing contained herein shall limit the right of a claimant, in actions other than tort  
14 actions, to recover prejudgment interest as otherwise provided by law or contract.

15 3. In tort actions, a judgment for prejudgment interest awarded pursuant to this subsection  
16 should bear interest at a per annum interest rate equal to the [intended Federal Funds Rate, as  
17 established by the Federal Reserve Board, plus three percent] rate set by section 32.065. The  
18 judgment shall state the applicable interest rate, which shall not vary once entered.”; and  
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21 Further amend said bill by amending the title, enacting clause, and intersectional references  
22 accordingly.