



SPONSOR: Sen. Venables & Rep. B. Short
Sen. Henry; Rep. Mitchell

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 85

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE LEGAL RATE OF INTEREST AND JUDGMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §2301 of Title 6 of the Delaware Code by deleting the language “and judgments entered after
2 May 13, 1980, shall bear the interest rate in the contract sued upon” as found in subsection (a).

3 Section 2. Further Amend §2301(a) of Title 6 of the Delaware Code by inserting at the end of the subsection the
4 following sentence:

5 “Except as otherwise provided in this Code, any judgment entered on agreements governed by this subsection,
6 whether the contract rate is expressed or not, shall, from the date of the judgment, bear post-judgment interest of 5% over
7 the Federal Reserve discount rate including any surcharge thereon or the contract rate, whichever is less.”

SYNOPSIS

This bill clarifies that the applicable post-judgment interest rate on any judgments entered in cases of personal loans is the lesser of the legal interest rate or the contract rate. This bill does not affect the usury statute or other special circumstances contemplated by current law.

Author: Senator Venables