HOUSE DOCKET, NO. FILED ON: 1/6/2009

**HOUSE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Demetrius J. Atsalis**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to tort and contract actions.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Demetrius J. Atsalis | Second Barnstable |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 16 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to tort and contract actions..

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1.  Chapter 231 of the General Laws as appearing in the 2006 Official

Edition, is hereby amended by striking out section 6B and inserting in place

thereof the following section:-

Section 6B.  in any action in which a verdict is rendered or a finding made or an

order for judgment made for pecuniary damages for personal injuries to the

plaintiff or for consequential damages, or for damage to property, there shall be

added by the clerk of court to the amount of damages interest thereon calculated

at a Weekly average one-year constant maturity Treasury yield, as published by

the Board of Governors of the Federal Reserve System, for the calendar week

proceeding the date of judgment; provided, however, that such interest shall not

exceed the rate of 10 percent per annum.  The secretary of administration and

finance shall maintain a schedule of the rate described above for distribution to

the clerks of courts.

**SECTION 2.**  Section 6C of chapter 231 of the General Laws, as appearing in the

2004 Official Edition is hereby amended by striking out, in line 4, the words “of

twelve per cent per annum” and inserting in place thereof the words:-

calculated at a Weekly average one-year constant maturity Treasury yield, as

published by the Board of Governors of the Federal Reserve System, for the

calendar week preceding date of judgment.

**SECTION 3.**  Said section 6C of said chapter 231, as so appearing is hereby

further amended by striking out, in line 7, the words “of twelve percent per

annum” and inserting in place thereof the words:-

calculated at a Weekly average one-year constant maturity Treasury yield, as

published by the Board of  Governors of the Federal Reserve System, for the

calendar week preceding date of judgment.

**SECTION 4**.  This act shall be deemed to be procedural in character, shall be

deemed retroactive and shall apply to all actions except those that have gone to

judgment and either been affirmed upon appeal or not been appealed within the

time allowed for appeal.