SPONSOR: Sen. Blevins & Rep. Spence &
Rep. Oberle; Sens. Vaughn,
Winslow; Reps. DiLiberto,
VanSant

DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE BILL NO. 310

AN ACT TO AMEND CHAPTER 23, TITLE 6 OF THE DELAWARE CODE, RELATING TO PRE-JUDGMENT INTEREST FOR COMPENSATORY DAMAGES IN TORT ACTIONS.

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

Section 1. Amend §2301, Title 6 of the Delaware Code by adding a new subsection (d) as follows:

"(d) In any action in the Superior Court or the Court of Common Pleas seeking monetary relief for bodily injuries, death or property damage, interest shall be added to any final judgment entered for damages awarded, calculated at the rate established in subsection (a) of this section, commencing from the date of injury, provided that the plaintiff, at least ten days prior to trial or hearing, extended to defendant a written demand to settle the claim which was less than the amount of damages upon which the judgment was entered."

SYNOPSIS

Current law generally limits pre-judgment interest only to cases involving contract disputes or liquidated amounts, providing no financial incentive for insurance companies or wrongdoers to make prompt, good faith offers of settlement to plaintiffs. This Bill amends the Delaware Interest Statute (6 Del. Code Section 2301) to provide for pre-judgment interest on awards of damages in tort cases where a plaintiff has made a demand to settle prior to trial or hearing which was less than the amount of damages ultimately obtained, calculated at the legal rate commencing from the date of injury. This Bill promotes the earlier settlement of claims, including prior to the filing of suit, by encouraging fair offers from defendants sooner, with the effect of reducing Court congestion.

Author: Senator Blevins

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