

V.A.M.S. 408.020

408.020. When no rate of interest is agreed upon, nine percent allowed as legal interest

Creditors shall be allowed to receive interest at the rate of nine percent per annum, when no other rate is agreed upon, for all moneys after they become due and payable, on written contracts, and on accounts after they become due and demand of payment is made; for money recovered for the use of another, and retained without the owner's knowledge of the receipt, and for all other money due or to become due for the forbearance of payment whereof an express promise to pay interest has been made.

Credits

(R.S.1939, § 3226. Amended by L.1979, S.B. No. 305, p. 565, § 1.)

V.A.M.S. 408.035

408.035. Unlimited interest, when allowed

Notwithstanding the provisions of any other law to the contrary, it is lawful for the parties to agree in writing to any rate of interest, fees, and other terms and conditions in connection with any:

- (1) Loan to a corporation, general partnership, limited partnership or limited liability company;
- (2) Business loan of five thousand dollars or more;
- (3) Real estate loan, other than residential real estate loans and loans of less than five thousand dollars secured by real estate used for an agricultural activity; or
- (4) Loan of five thousand dollars or more secured solely by certificates of stock, bonds, bills of exchange, certificates of deposit, warehouse receipts, or bills of lading pledged as collateral for the repayment of such loans.

Credits

(L.1974, 2nd Ex.Sess., S.B. No. 1, p. 968, § 1, eff. Jan. 9, 1975. Amended by L.1980, H.B. No. 1195, p. 409, § 1, eff. June 10, 1980; L.1981, S.B. No. 5 Revision, p. 579, § 1, eff. May 27, 1981; [L.1992, S.B. No. 688, § A](#); [L.1997, H.B. No. 655, § A](#), eff. [June 24, 1997](#); [L.1997, S.B. No. 170, § A](#), eff. [May 20, 1997](#).)

V.A.M.S. 408.040

408.040. Interest on judgments, how regulated--prejudgment interest allowed when, procedure

1. Judgments shall accrue interest on the judgment balance as set forth in this section. The **“judgment balance”** is defined as the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Postjudgment payments or credits shall be applied first to postjudgment costs, then to postjudgment interest, and then to the judgment balance.

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

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

(1) Be in writing and sent by certified mail return receipt requested; and

(2) Be accompanied by an affidavit of the claimant describing the nature of the claim, the nature of any injuries claimed and a general computation of any category of damages sought by the claimant with supporting documentation, if any is reasonably available; and

(3) For wrongful death, personal injury, and bodily injury claims, be accompanied by a list of the names and addresses of medical providers who have provided treatment to the claimant or decedent for such injuries, copies of all reasonably available medical bills, a list of employers if the claimant is seeking damages for loss of wages or earning, and written authorizations sufficient to allow the party, its representatives, and liability insurer if known to the claimant to obtain records from all employers and medical care providers; and

(4) Reference this section and be left open for ninety days.

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

4. In tort actions, a judgment for prejudgment interest awarded pursuant to this section should bear interest at a per annum interest rate equal to the intended Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. The judgment shall state the applicable interest rate, which shall not vary once entered.

Credits

(R.S.1939, § 3228. Amended by L.1979, H.B. No. 85, p. 580, § 1; L.1987, H.B. No. 700, § B, eff. July 1, 1987; [L.2005, H.B. No. 393, § A](#); [L.2014, H.B. No. 1231, § A](#), eff. Jan. 15, 2015; [L.2014, S.B. No. 621, § A](#), eff. Jan. 15, 2015; 2014, S.B. No. 672 § A, eff. Jan. 15, 2015.)