

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2395

"AN ACT PERTAINING TO THE PROCEDURES FOR FILING AN OFFER OF JUDGMENT."

Amendment No. 1 to House Bill No. 2395.

Amend House Bill No. 2395 as originally introduced:

Delete SECTION 1 and substitute the following:

"SECTION 1. (a) At any time more than ten (10) days before a civil trial begins, any party may serve upon the adverse party an offer to allow judgment to be taken against him or her for the money or property or to the effect specified in his or her offer, with costs then accrued.

(b) If within ten (10) days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and judgment shall be entered.

(c) An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs.

(d) If the judgment exclusive of interest from the date of offer finally obtained by the offeree is not more favorable than the offer, the offeree shall pay the costs incurred after the making of the offer.

(e) The fact that an offer is made but not accepted does not preclude a subsequent offer.

(f) When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than ten (10) days prior to the commencement of hearings to determine the amount or extent of liability.

(g) For purposes of this section, the term "costs" is defined as reasonable litigation expenses, excluding attorney's fees."



The Amendment was read _____
By: Representative Hathorn
LDH/MHF - 032820031026
MHF493

Chief Clerk