

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2395

4
5 By: Representative Hathorn
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For An Act To Be Entitled

8
9 AN ACT PERTAINING TO THE PROCEDURES FOR FILING AN
10 OFFER OF JUDGMENT; AND FOR OTHER PURPOSES.
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Subtitle

12
13 AN ACT PERTAINING TO THE PROCEDURES FOR
14 FILING AN OFFER OF JUDGMENT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (a) In any civil action for damages filed in the courts of
20 this state, if a defendant files an offer of judgment which is not accepted
21 by the plaintiff within thirty (30) days, the defendant shall be entitled to
22 recover reasonable costs and attorney's fees incurred by her or him or on the
23 defendant's behalf, pursuant to a policy of liability insurance or other
24 contract from the date of filing of the offer, if the judgment is one of no
25 liability or the judgment obtained by the plaintiff is at least twenty-five
26 percent (25%) less than such offer, and the court shall set off the costs and
27 attorney's fees against the award.

28 (b) Where such costs and attorney's fees total more than the judgment,
29 the court shall enter judgment for the defendant against the plaintiff for
30 the amount of the costs and fees, less the amount of the plaintiff's award.

31 (c) If a plaintiff files a demand for judgment which is not accepted
32 by the defendant within thirty (30) days and the plaintiff recovers a
33 judgment in an amount at least twenty-five percent (25%) greater than the
34 offer, she or he shall be entitled to recover reasonable costs and attorney's
35 fees incurred from the date of the filing of the demand.

36 (d) If rejected, neither an offer nor demand is admissible in



subsequent litigation, except for pursuing the penalties of this section.

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