

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  
4

As Engrossed: H3/31/03

# A Bill

HOUSE BILL 2395

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

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

12 AN ACT PERTAINING TO THE PROCEDURES FOR  
13 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) At any time more than ten (10) days before a civil  
20 trial begins, any party may serve upon the adverse party an offer to allow  
21 judgment to be taken against him or her for the money or property or to the  
22 effect specified in his or her offer, with costs then accrued.

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

27 (c) An offer not accepted shall be deemed withdrawn and evidence  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

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

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

34 (f) When the liability of one party to another has been determined by  
35 verdict or order or judgment, but the amount or extent of liability remains  
36 to be determined by further proceedings, the party adjudged liable may make



1 an offer of judgment, which shall have the same effect as an offer made  
2 before trial if it is served within a reasonable time not less than ten (10)  
3 days prior to the commencement of hearings to determine the amount or extent  
4 of liability.

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

7 /s/ Hathorn

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