

H.B. 235
OFFER OF JUDGMENT IN CIVIL CASES

Representative **Ken Ivory** proposes the following amendments:

1. *Page 1, Lines 11 through 12:*

11 This bill:
12 ▶ outlines a process for offers of judgment in civil actions between business entities where the amount in controversy does not exceed \$50,000 ;

2. *Page 2, Line 30:*

30 (1) This Section applies to commercial transactions between business entities or organizations in which the amount in controversy does not exceed \$50,000.
(2) At any time ~~{before trial,}~~ after commencement of a legal action but not less than 10 days before commencement of the

3. *Page 2, Lines 39 through 40:*

39 ~~{(3)}~~ (4) A party may not be subject to the sanctions of Subsections ~~{(28)}~~ (29)
through ~~{(33)}~~ (34) for
40 rejection of an offer that is made and served pursuant to Subsection ~~{(1)}~~ (2) or ~~{(2)}~~ (3) less than 10 days

4. *Page 2, Lines 48 through 51:*

48 ~~{(6)}~~ (7) The offer may specify a longer acceptance period than the period prescribed by
49 Subsection ~~{(22)}~~ (23) , but may not permit an acceptance after the commencement of a trial if the
50 offer is made pursuant to Subsection ~~{(2)}~~ (3) and may not permit an acceptance after the
51 commencement of the proceeding if the offer is made pursuant to Subsection ~~{(2)}~~ (3) .

5. *Page 2, Lines 57 through 58:*

57 ~~{(9)}~~ (10) An offer may not be withdrawn except by written stipulation or as provided in
58 Subsection ~~{(23)}~~ (24) .

6. *Page 3, Lines 80 through 82:*

80 ~~{(15)}~~ (16) No combination of offerees that jointly claim or defend under the same common
81 theory of liability concerning jointly owned property is a group as that term is used in
82 Subsection ~~{(14)}~~ (15) and this Subsection ~~{(15)}~~ (16) . When two or more offerees jointly

claim or defend

7. *Page 3, Lines 86 through 87:*

86 ~~{(16)}~~ (17) If the offeree serves written notice that the offer is accepted within the acceptance
87 period provided by Subsection ~~{(22)}~~ (23) , the offer shall be considered accepted and either party may

8. *Page 4, Line 91:*

91 ~~{(17)}~~ (18) Except as otherwise provided in Subsection ~~{(27)}~~ (28) , the clerk or judge
shall enter

9. *Page 4, Lines 111 through 113:*

111 ~~{(20)}~~ (21) A claimant who has not been paid within a reasonable time may obtain an order to
112 amend the judgment and remove the Subsection ~~{(18)}~~ (19) designation of compromise and
113 settlement.

10. *Page 4, Lines 116 through 118:*

116 ~~{(22)}~~ (23) An offer made pursuant to Subsection ~~{(1)}~~ (2) may be accepted before
trial or within
117 10 days after service, whichever period is shorter. An offer made pursuant to Subsection ~~{(2)}~~ (3)
118 may be accepted before the commencement of the proceeding or within 10 days after service,

11. *Page 4, Line 120 through Page 5, Line 121:*

120 ~~{(23)}~~ (24) The offer shall be considered rejected by the offeree if not accepted within the
121 period prescribed by Subsection ~~{(22)}~~ (23) . If this period is enlarged by the court, the offeror may

12. *Page 5, Lines 127 through 129:*

127 ~~{(25)}~~ (26) The fact that an offer is made but not accepted does not preclude a subsequent
128 offer. The service of a subsequent offer does not operate to revoke a prior offer. A party may
129 not be subject to the sanctions of Subsections ~~{(28)}~~ (29) through ~~{(33)}~~ (34) for the
rejection of a prior offer

13. *Page 5, Lines 132 through 138:*

132 ~~{(27)}~~ (28) For apportioned offers to multiple offerees that are conditioned upon the
133 acceptance by all parties to whom the offer was directed, each offeree may serve a separate
134 acceptance of the offer, but if the offer is not accepted by all offerees, no judgment or order of
135 dismissal may be entered pursuant to Subsections ~~{(16)}~~ (17) through ~~{(21)}~~ (22) and the

action shall

136 proceed as to all. Any offeree who fails to accept the offer shall be subject to the sanctions in

137 Subsections ~~{(28)}~~ (29) through ~~{(33)}~~ (34) .

138 ~~{(28)}~~ (29) Except as otherwise provided in Section ~~{(32)}~~ (33) , if a party who rejects
an offer fails

14. Page 6, Line 167:

167 ~~{(31)}~~ (32) An award against a party made pursuant to Subsections ~~{(28)}~~ (29)
through ~~{(33)}~~ (34) may not

Renumber all remaining Subsections accordingly