

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 08-0685.01 Julie Pelegrin

**HOUSE BILL 08-1020**

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**HOUSE SPONSORSHIP**

**Madden,**

**SENATE SPONSORSHIP**

**Veiga,**

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING RECOVERY OF COSTS IN A CASE IN WHICH THE PLAINTIFF**  
102 **RECEIVES A JUDGMENT THAT IS LESS THAN A REJECTED**  
103 **SETTLEMENT OFFER.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Clarifies that, if a plaintiff rejects a defendant's settlement offer and subsequently recovers a final judgement that is less than the settlement offer, the plaintiff shall recover actual costs that accrued prior to the time the defendant made the settlement offer.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unam ended  
February 6, 2008

SENATE  
Am ended 2nd Reading  
February 4, 2008

HOUSE  
3rd Reading Unam ended  
January 21, 2008

HOUSE  
2nd Reading Unam ended  
January 18, 2008

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 13-17-202 (1) (a) (II), Colorado Revised Statutes,  
3 is amended to read:

4 **13-17-202. Award of actual costs and fees when offer of**  
5 **settlement was made.** (1) (a) Notwithstanding any other statute to the  
6 contrary, in any civil action of any nature commenced or appealed in any  
7 court of record in this state:

8 (II) If the defendant serves an offer of settlement in writing at any  
9 time more than fourteen days before the commencement of the trial that  
10 is rejected by the plaintiff, and the plaintiff does not recover a final  
11 judgment in excess of the amount offered, then the defendant shall be  
12 awarded actual costs accruing after the offer of settlement to be paid by  
13 the plaintiff. HOWEVER, AS PROVIDED IN SECTION 13-16-104, IF THE  
14 PLAINTIFF IS THE PREVAILING PARTY IN THE ACTION, THE PLAINTIFF'S FINAL  
15 JUDGMENT SHALL INCLUDE THE AMOUNT OF THE PLAINTIFF'S ACTUAL  
16 COSTS THAT ACCRUED PRIOR TO THE OFFER OF SETTLEMENT.

17 **SECTION 2. Effective date - applicability.** This act shall take  
18 effect July 1, 2008, and shall apply to offers of settlement made on or  
19 after said date.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.