

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0685.01 Julie Pelegrin

HOUSE BILL 08-1020

HOUSE SPONSORSHIP

Madden,

SENATE SPONSORSHIP

Veiga,

House Committees
Judiciary

Senate Committees
Judiciary

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.**

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.

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.

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.