

House Bill 1340

By: Representatives Westmoreland of the 86th, Butler of the 88th, Post 1, Lunsford of the 85th,
Post 2, Burmeister of the 96th, Rice of the 64th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 51-12-14 of the Official Code of Georgia Annotated, relating to the
2 procedure for demanding unliquidated damages in tort actions and when interest may be
3 recovered, so as to provide for the recovery of attorney's fees; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 51-12-14 of the Official Code of Georgia Annotated, relating to the procedure
8 for demanding unliquidated damages in tort actions and when interest may be recovered, is
9 amended by striking the Code section and inserting in lieu thereof the following:

10 "51-12-14.

11 (a) Where a claimant has given written notice by registered or certified mail or statutory
12 overnight delivery to a person against whom claim is made of a demand for an amount of
13 unliquidated damages in a tort action and the person against whom such claim is made fails
14 to pay such amount within 30 days from the mailing or delivering of the notice, the
15 claimant shall be entitled to receive attorney's fees and interest on the amount demanded
16 if, upon trial of the case in which the claim is made, the judgment is for an amount not less
17 than the amount demanded. However, if, at any time after the 30 days and before the
18 claimant has withdrawn his or her demand, the person against whom such claim is made
19 gives written notice by registered or certified mail or statutory overnight delivery of an
20 offer to pay the amount of the claimant's demand plus attorney's fees and interest under
21 this Code section through the date such notice is given, and such offer is not accepted by
22 the person making the demand for unliquidated damages within 30 days from the mailing
23 or delivering of such notice by the person against whom such claim is made, the claimant
24 shall not be entitled to receive attorney's fees and interest on the amount of the demand
25 after the thirtieth day following the date on which the notice of the offer is mailed or

- 1 delivered even if, upon trial of the case in which the claim is made, the judgment is for an
2 amount not less than the sum demanded pursuant to this Code section.
- 3 (b) Any written notice referred to in subsection (a) of this Code section shall specify that
4 it is being given pursuant to this Code section.
- 5 (c) The interest provided for by this Code section shall be at an annual rate equal to the
6 prime rate as published by the Board of Governors of the Federal Reserve System, as
7 published in statistical release H. 15 or any publication that may supersede it, on the
8 thirtieth day following the date of the mailing of the last written notice plus 3 percent, and
9 shall begin to run from the thirtieth day following the date of the mailing or delivering of
10 the written notice until the date of judgment. This subsection shall apply to all civil actions
11 filed on or after July 1, 2003.
- 12 (d) Evidence or discussion of interest on liquidated damages, as well as evidence of the
13 offer, shall not be submitted to the jury. Attorney's fees and interest ~~Interest~~ shall be made
14 a part of the judgment upon presentation of evidence to the satisfaction of the court that this
15 Code section has been complied with and that the verdict of the jury or the award by the
16 judge trying the case without a jury is equal to or exceeds the amount claimed in the notice.
- 17 (e) This Code section shall be known and may be cited as the 'Unliquidated Damages
18 Interest Act.'

19

SECTION 2.

20 All laws and parts of laws in conflict with this Act are repealed.