

Senate Bill 518

By: Senators Harp of the 16th, Lee of the 29th, Tanksley of the 32nd, Moody of the 27th,
Hall of the 22nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated,
2 relating to provisional and final remedies and special proceedings of the "Georgia Civil
3 Practice Act," so as to provide for an offer of judgment; to provide for matters relating to an
4 offer of judgment, including time limitations, methods of service, withdrawal and acceptance
5 of offers, admissibility of an offer, and court costs; to provide for a definition; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
10 provisional and final remedies and special proceedings of the "Georgia Civil Practice Act,"
11 is amended by striking Code Section 9-11-68, which is reserved, and inserting in its place
12 the following:

13 "9-11-68.

14 ~~Reserved.~~ (a) At any time more than ten days before the trial begins, a party defending
15 against a claim may serve upon the adverse party, by registered or certified mail or
16 statutory overnight delivery, an offer to allow judgment to be taken against the defending
17 party for the money or property or to the effect specified in the offer, with costs then
18 accrued. If within ten days after the service of the offer the adverse party serves written
19 notice by registered or certified mail or statutory overnight delivery that the offer is
20 accepted, either party may then file the offer and notice of acceptance together with proof
21 of service of the offer and acceptance and the clerk shall enter judgment. An offer not
22 accepted shall be deemed withdrawn and evidence of the offer shall not be admissible
23 except in a proceeding to determine costs. If the judgment finally obtained by the offeree
24 is not more favorable than the offer, the offeree shall pay the costs incurred after the
25 making of the offer. The fact that an offer is made but not accepted does not preclude a
26 subsequent offer. When the liability of one party to another has been determined by verdict,

1 order, or judgment, but the amount or extent of the liability remains to be determined by
2 further proceedings, the party adjudged liable may make an offer of judgment, which shall
3 have the same effect as an offer made before trial if it is served within a reasonable time
4 not less than ten days prior to the commencement of hearings to determine the amount or
5 extent of liability.

6 (b) For purposes of this Code section, costs shall include attorney's fees and expenses of
7 litigation.

8 (c) The procedure available pursuant to this Code section shall not affect a claimant's
9 rights pursuant to Code Section 51-12-14, the 'Unliquidated Damages Interest Act.'

10

SECTION 2.

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