

CHAPTER 5

COURTS

HOUSE BILL 08-1020

BY REPRESENTATIVE(S) Madden, Benefield, Carroll M., Carroll T., Frangas, Labuda, Levy, McGihon, Merrifield, Pommer, Solano, and Todd;
also SENATOR(S) Veiga.

AN ACT

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

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

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

Approved: February 21, 2008