

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1908

By: Sykes and Ivester of the
Senate

and

McCullough of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to offers of judgment; amending 12
13 O.S. 2011, Section 1101, which relates to offers of
14 judgment for the recovery of money; expanding scope
15 of offer of judgment procedure; repealing 12 O.S.
2011, Section 1101.1, which relates to offer of
judgment in certain civil actions; and providing an
effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1101, is
20 amended to read as follows:

21 Section 1101. The defendant, in an ~~action for the recovery of~~
22 ~~money only~~ all civil actions, may, at any time before the trial,
23 serve upon the plaintiff or ~~his~~ the plaintiff's attorney an offer,
24 in writing, to allow judgment to be taken against ~~him~~ the defendant

1 for the sum specified therein. If the plaintiff ~~accept~~ accepts the
2 offer and ~~give~~ gives notice thereof to the defendant or ~~his~~ the
3 defendant's attorney, within five (5) days after the offer was
4 served, the offer, and an affidavit that the notice of acceptance
5 was delivered within the time limited, may be filed by the
6 plaintiff, or the defendant may file the acceptance, with a copy of
7 the offer, verified by affidavit; and in either case, the offer and
8 acceptance shall be noted in the journal, and judgment shall be
9 rendered accordingly. If the notice of acceptance ~~be~~ is not given
10 in the period limited, the offer shall be deemed withdrawn, and
11 shall not be given in evidence or mentioned on the trial. If the
12 plaintiff fails to obtain judgment for more than was offered by the
13 defendant, ~~he~~ the plaintiff shall pay the defendant's costs from the
14 time of the offer.

15 SECTION 2. REPEALER 12 O.S. 2011, Section 1101.1, is
16 hereby repealed.

17 SECTION 3. This act shall become effective November 1, 2014.

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19 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, GOVERNMENT
20 OVERSIGHT AND REPEALER, dated 04/10/2014 - DO PASS, As Amended.
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