

Bill Summary
2nd Session of the 58th Legislature

Bill No.:	SB 1428
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Author:	Sen. Howard
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Bill Analysis

SB 1428 modifies offer procedures as it relates to claims made in court. The measure provides that an offer to allow for judgement on a specified claim may made be made by a defending party at least 7 days before the date set for trial. If the opposing party serves written notice accepting the offer within 14 days of receiving the offer, either party may then file the offer and notice of acceptance plus proof of service. An offer not accepted shall be considered withdrawn but shall not preclude later offers. Offers of judgement made after liability is determined may be made by the party held liable 14 days prior to the date set for a hearing to determine the extent of liability. Additionally, if the judgment the offeree obtains is less than or equal to the unaccepted offer or the judgment is for the offering party, the offeree shall pay the litigation costs of the offeror incurred after the offer was made. If the judgement the offeree obtains is more than the offer or the judgement is for the offering party, the offeree shall be entitled to recover reasonable attorney fees, court costs, and interest. The measure also outlines what the offer of judgement letter must contain.

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