



# Senate

General Assembly

**File No. 555**

January Session, 2001

Substitute Senate Bill No. 1108

*Senate, May 2, 2001*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING OFFERS OF JUDGMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 52-192a of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) After commencement of any civil action based upon contract or  
4 seeking the recovery of money damages, whether or not other relief is  
5 sought, the plaintiff may before trial file with the clerk of the court a  
6 written "offer of judgment" signed by [him or his] the plaintiff or the  
7 plaintiff's attorney, directed to the defendant or [his] the defendant's  
8 attorney, offering to settle the claim underlying the action and to  
9 stipulate to a judgment for a sum certain. The plaintiff shall give notice  
10 of the offer of settlement to the defendant's attorney [,] or, if the  
11 defendant is not represented by an attorney, to the defendant himself  
12 or herself. Within [thirty] sixty days after being notified of the filing of  
13 the "offer of judgment" and prior to the rendering of a verdict by the  
14 jury or an award by the court, the defendant or [his] the defendant's

15 attorney may file with the clerk of the court a written "acceptance of  
16 offer of judgment" agreeing to a stipulation for judgment as contained  
17 in plaintiff's "offer of judgment". Upon such filing, the clerk shall enter  
18 judgment immediately on the stipulation. If the "offer of judgment" is  
19 not accepted within [thirty] sixty days and prior to the rendering of a  
20 verdict by the jury or an award by the court, the "offer of judgment"  
21 shall be considered rejected and not subject to acceptance unless  
22 refiled. Any such "offer of judgment" and any "acceptance of offer of  
23 judgment" shall be included by the clerk in the record of the case.

24 (b) After trial the court shall examine the record to determine  
25 whether the plaintiff made an "offer of judgment" which the defendant  
26 failed to accept. If the court ascertains from the record that the plaintiff  
27 has recovered an amount equal to or greater than the sum certain  
28 stated in [his] the plaintiff's "offer of judgment", the court shall add to  
29 the amount so recovered twelve per cent annual interest on said  
30 amount, computed from the date such offer was filed in actions  
31 commenced before October 1, 1981. In those actions commenced on or  
32 after October 1, 1981, the interest shall be computed from the date the  
33 complaint in the civil action was filed with the court if the "offer of  
34 judgment" was filed not later than eighteen months from the filing of  
35 such complaint. If such offer was filed later than eighteen months from  
36 the date of filing of the complaint, the interest shall be computed from  
37 the date the "offer of judgment" was filed. The court may award  
38 reasonable attorney's fees in an amount not to exceed three hundred  
39 fifty dollars, and shall render judgment accordingly. This section shall  
40 not be interpreted to abrogate the contractual rights of any party  
41 concerning the recovery of attorney's fees in accordance with the  
42 provisions of any written contract between the parties to the action.

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:***           None

***Affected Agencies:***   Judicial Department

***Municipal Impact:***   None

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**OLR BILL ANALYSIS**

sSB 1108

***AN ACT CONCERNING OFFERS OF JUDGMENT.***

**SUMMARY:**

This bill increases, from 30 to 60 days, the time that a defendant has to accept a plaintiff's offer of judgment, but it conflicts with a court rule that requires a defendant to accept within 30 days.

In cases based on contract or seeking money damages, the plaintiff before trial can make an offer of judgment, offering to settle the claim and stipulate to a judgment for a certain amount of money. The bill gives the defendant 60 rather than 30 days to accept the offer.

As under current law and court rule, the acceptance must also occur before a verdict.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND**

***Plaintiff's Offers of Judgment***

If the defendant accepts a plaintiff's offer of judgment, the court clerk enters judgment on the stipulation. If the defendant does not accept the offer and the plaintiff wins an equal or greater amount after trial, the court must add 12% annual interest to the amount. The court can also award reasonable attorney's fees up to \$350.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40      Nay 0

