

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

HOUSE BILL NO. 335

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending Rule 68 of the Alaska Rules of Civil  
7 Procedure relating to the award of costs and attorney  
8 fees and to the payment of prejudgment interest."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Rule 68(b) of the Alaska Rules of Civil Procedure is  
11 repealed and reenacted to read:

12 (b) If the judgment finally rendered by the court is

13 (1) more favorable to the offeree than the offer, and the  
14 offeree is the party defending against the claim, the court may re-  
15 quire the offeree to pay the offeror's actual reasonable costs incur-  
16 red after the making of the offer and the greater of

17 (A) the actual reasonable attorney's fees incurred by  
18 the offeror after the making of the offer; or

19 (B) the attorney's fees payable to the offeror as  
20 determined under Rule 82(a);

21 (2) not more favorable to the offeree than the offer, the  
22 offeree is the party making the claim, and the offeree prevails, the  
23 offeree shall pay the actual reasonable costs and the actual  
24 reasonable attorney's fees incurred by the offeror after the making of  
25 the offer and may not be awarded costs or attorney's fees incurred  
26 after the making of the offer.

27 \* Sec. 2. Rule 68 of the Alaska Rules of Civil Procedure is amended by  
28 adding a new subsection to read:

29 (d) If the judgment finally rendered by the court is not more

1 favorable to the offeree than the offer, the prejudgment interest  
2 accrued before judgment is entered shall be adjusted as follows:

3 (1) if the offeree is the party making the claim, the  
4 interest rate will be reduced by the amount specified in AS 09.30.065;

5 (2) if the offeree is the party defending against the  
6 claim, the interest rate will be increased by the amount specified in  
7 AS 09.30.065.