

Original sponsor(s): Labor & Commerce Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 335 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act repealing a provision of state law applicable
7 to offers of judgment; and amending Rule 68 of the
8 Alaska Rules of Civil Procedure."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 09.30.065 is repealed.
11 * Sec. 2. Rule 68(a) of the Alaska Rules of Civil Procedure is amended
12 to read:
13 (a) At any time more than 10 days before the trial begins,
14 either the party making a claim or the party defending against a claim
15 may serve upon the adverse party a written [AN] offer to allow judgment
16 to be entered in complete satisfaction of the claim for the money
17 or property or to the effect specified in the offer, with costs then
18 accrued. The offer may not be revoked in the 10 day period following
19 service of the offer. The time during which the offer may be accepted
20 may be extended in the offer. If within the time allowed for accep-
21 tance [10 DAYS AFTER SERVICE] of the offer the adverse party serves
22 written notice that the offer is accepted, either party may then file
23 the offer and notice of acceptance together with proof of service, and
24 the clerk shall enter judgment. An offer not accepted within the time
25 allowed for its acceptance [10 DAYS] is considered withdrawn and
26 evidence of the offer is not admissible except in a proceeding to
27 determine costs. The fact that an offer is made but not accepted does
28 not preclude a subsequent offer.
29 * Sec. 3. Rule 68(b) of the Alaska Rules of Civil Procedure is repealed

1 and reenacted to read:

2 (b) If the judgment finally rendered by the court is at least as
3 favorable to the offeror as the offer, the offeree must pay the offer-
4 or's actual reasonable costs incurred after the offer was refused or
5 terminated under (a) of this rule, and may be required by the court to
6 pay the actual reasonable attorney's fees incurred after the date the
7 offer was refused or terminated.

8 * Sec. 4. Rule 68 of the Alaska Rules of Civil Procedure is amended by
9 adding a new subsection to read:

10 (d) If the judgment finally rendered by the court is at least as
11 favorable to the offeror as the offer, the prejudgment interest ac-
12 crued before judgment is entered shall be adjusted as follows:

13 (1) if the offeror is the party making the claim, the
14 interest rate will be increased by five percent a year;

15 (2) if the offeror is the party defending against the
16 claim, the interest rate will be reduced by five percent a year.