

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 372

Short Title: Amend Rule 68 Offer of Judgment.

(Public)

Sponsors: Representatives Haire; and Barefoot.

Referred to: Judiciary II.

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND RULE 68 OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING THE DEFINITION OF "JUDGMENT FINALLY OBTAINED" AND BY CHANGING THE TIME PERIODS FOR EXTENDING AND ACCEPTING OFFERS OF JUDGMENT PRIOR TO TRIAL AND TO MAKE OTHER CONFORMING CHANGES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 68 reads as rewritten:

"Rule 68. Offer of judgment and disclaimer.

(a) Offer of judgment. –

(1) At any time more than ~~1030~~ days before the trial begins, a party defending against a claim may serve ~~upon the adverse party an a~~ written offer to allow judgment to be taken entered against him for the money or property or to the effect specified in his offer, with costs then accrued. the defending party and in favor of the adverse party for the relief specified in the offer, plus any interest that has accrued as of that date, and, as may be awarded by the court, costs and statutorily authorized attorneys' fees incurred as of that date. The defending party shall not file the written offer with the court at this time.

(2) If the offer is made more than 60 days before the trial, the adverse party shall have 30 days to accept the offer. Otherwise, the adverse party shall have 10 days to accept the offer. If within 10 days the specified time after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the clerk shall enter judgment. thereof. The court shall determine costs, interest, and statutorily authorized attorneys' fees and

