

House Bill 336 (COMMITTEE SUBSTITUTE)

By: Representatives Powell of the 171<sup>st</sup>, Meadows of the 5<sup>th</sup>, Smith of the 134<sup>th</sup>, Abrams of the 89<sup>th</sup>, Jacobs of the 80<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated,  
2 relating to provisional and final remedies and special proceedings in civil practice, so as to  
3 provide for certain presuit settlement offers and agreements as to tort claims arising out of  
4 use of motor vehicles; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to  
8 provisional and final remedies and special proceedings in civil practice, is amended by  
9 adding a new Code section to read as follows:

10 "9-11-67.1.

11 (a) Prior to the filing of a civil action, any offer to settle a tort claim for personal injury,  
12 bodily injury, or death arising from the use of a motor vehicle and prepared by or with the  
13 assistance of an attorney on behalf of a claimant or claimants shall be in writing and  
14 contain the following material terms:

15 (1) The time period within which such offer must be accepted, which shall be not less  
16 than 30 days from receipt of the offer;

17 (2) Amount of monetary payment;

18 (3) The party or parties the claimant or claimants will release if such offer is accepted;

19 (4) The type of release, if any, the claimant or claimants will provide to each releasee;  
20 and

21 (5) The claims to be released.

22 (b) The recipients of an offer to settle made under this Code section may accept the same  
23 by providing written acceptance of the material terms outlined in subsection (a) of this  
24 Code section in their entirety.

25 (c) Nothing in this Code section is intended to prohibit parties from reaching a settlement  
26 agreement in a manner and under terms otherwise agreeable to the parties.

- 27 (d) Upon receipt of an offer to settle set forth in subsection (a) of this Code section, the  
28 recipients shall have the right to seek clarification regarding terms, liens, subrogation  
29 claims, standing to release claims, medical bills, medical records, and other relevant facts.  
30 An attempt to seek reasonable clarification shall not be deemed a counteroffer.
- 31 (e) An offer to settle made pursuant to this Code section shall be sent by certified mail or  
32 statutory overnight delivery, return receipt requested, and shall specifically reference this  
33 Code section.
- 34 (f) The person or entity providing payment to satisfy the material term set forth in  
35 paragraph (2) of subsection (a) of this Code section may elect to provide payment by any  
36 one or more of the following means:
- 37 (1) Cash;  
38 (2) Money order;  
39 (3) Wire transfer;  
40 (4) A cashier's check issued by a bank or other financial institution;  
41 (5) A draft or bank check issued by an insurance company; or  
42 (6) Electronic funds transfer or other method of electronic payment.
- 43 (g) Nothing in this Code section shall prohibit a party making an offer to settle from  
44 requiring payment within a specified period; provided, however, that such period shall be  
45 not less than ten days after the written acceptance of the offer to settle.
- 46 (h) This Code section shall apply to causes of action for personal injury, bodily injury, and  
47 death arising from the use of a motor vehicle on or after July 1, 2013."

48 **SECTION 2.**

49 All laws and parts of laws in conflict with this Act are repealed.