

____.B. No. ____

A BILL FOR AN ACT

RELATING TO EMINENT DOMAIN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 101, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§101- Good faith offer of settlement; award of attorney's fees. (a) Not later than forty-five (45) days before the scheduled trial date on the issue of just compensation, the plaintiff shall file and serve on the defendant an offer of settlement. Not more than five (5) days after the date the offer of settlement is served, the party served shall respond by filing and serving upon the other party an acceptance or a counter-offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to pay or accept, as the case may be, as just compensation and damages for the property sought to be acquired. The offer or counter-offer supersedes any other offer previously made by the

party. An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer.

(b) If there is a trial, and the amount of just compensation and damages awarded to the owner by the judgment, exclusive of interest and costs, is greater than the amount specified in the condemnor's offer of settlement in subsection (a), the court shall require the condemnor to pay the owner's litigation expenses, including reasonable attorney's fees, in an amount that does not exceed twenty-five percent of the amount of the judgment, exclusive of interest and costs."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____