

JAN 28 2004

COMMERCE, REGULATION & LABOR

HOUSE FILE 2094
BY HORBACH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the recovery of attorney fees in an award of
2 punitive or exemplary damages.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2094

1 Section 1. Section 668A.1, subsection 2, paragraph b, Code
2 2003, is amended to read as follows:

3 b. If the answer or finding pursuant to subsection 1,
4 paragraph "b", is negative, after payment of all applicable
5 costs and fees, an amount not to exceed twenty-five percent of
6 the punitive or exemplary damages awarded may be ordered paid
7 to the claimant, with the remainder of the award to be ordered
8 paid into a civil reparations trust fund administered by the
9 state court administrator. Attorney fees shall not be
10 recoverable on any punitive or exemplary damages award to be
11 ordered paid to the civil reparations trust fund. Funds
12 placed in the civil reparations trust shall be under the
13 control and supervision of the executive council, and shall be
14 disbursed only for purposes of indigent civil litigation
15 programs or insurance assistance programs. The state court
16 administrator shall file a report with the general assembly
17 for each fiscal year, relating to the administration of the
18 fund.

19 EXPLANATION

20 This bill provides that attorney fees shall not be
21 recoverable on a punitive or exemplary damage award that has
22 been ordered to be paid to the civil reparations trust fund.
23 In addition, the bill requires the state court administrator
24 to file a report with the general assembly each fiscal year,
25 relating to the administration of the fund.

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