

Reprinted 4/6/79

MAR 8 1979

HOUSE FILE 668

Place On Calendar

By COMMITTEE ON COMMERCE

(Formerly House File 537)

Passed House, Date 4-5-79 (p.1355) Passed Senate, Date _____
Vote: Ayes 91 Nays 0 Vote: Ayes _____ Nays _____
Approved 2/21/80

A BILL FOR

3742- 1 An Act relating to the recovery of costs and attorney's fees
2 in actions to recover payment on a check, draft, or
3 written instrument which is written in violation of
4 chapter seven hundred fourteen (714) of the Code.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

879

1 Section 1. Chapter six hundred twenty-five (625), Code
2 1979, is amended by adding the following new section:

3 NEW SECTION. In an action against the maker to recover
4 payment on a check, draft, or written instrument written in
5 violation of chapter seven hundred fourteen (714) of the Code,
6 the plaintiff, if successful, may recover all court costs
7 incurred, including a reasonable attorney's fee, from the
8 maker of the check, draft, or written instrument.

3737-
3709-
3564

9 Sec. 2. This Act is effective January first following
10 its enactment.

11 EXPLANATION

12 This bill provides that in a civil action to recover on
13 a check, draft, or written instrument which is written in
14 violation of chapter 714 of the Code (relating to theft,
15 fraudulent practices, and other criminal frauds), a successful
16 plaintiff is entitled to a reasonable attorney's fee in
17 addition to court costs incurred in the action. The section
18 would not apply unless the plaintiff proves that the maker
19 of the check, draft or written instrument violated a provision
20 of chapter 714 of the Code.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 668

H-3509

- 1 Amend House File 668 as follows:
 2 1. Page 1, line 7, by inserting after the
 3 word "fee," the following "or an individuals's
 4 cost of processing a small claims recovery such
 5 as lost time or transportation costs."

H-3509 FILED *Placed out of order* BY JOHNSON of Howard
 MARCH 22, 1979 *4/5 (p. 1354)*

HOUSE FILE 668

H-3564

- 1 Amend House File 668 as follows:
 2 1. Page 1, by striking lines 9 and 10.

H-3564 FILED *Adopted 4/5 (p. 1354)* BY SPEAR of Lee
 MARCH 26, 1979

HOUSE FILE 668

H-3737

- 1 Amend House File 668 as follows:
 2 1. Page 1, by striking lines 1 through 8 and
 3 inserting in lieu thereof the following:
 4 "Section 1. Section six hundred twenty-five
 5 point twenty-two (625.22), Code 1979, is amended
 6 to read as follows:
 7 625.22 ATTORNEY'S FEES. When judgment is re-
 8 covered upon a written contract containing an agree-
 9 ment to pay an attorney's fee, the court shall allow
 10 and tax as a part of the costs: a reasonable attorney's
 11 fee to be determined by the court.
 12 ~~1. On the first two hundred dollars or fraction~~
 13 ~~thereof recovered, ten percent.~~
 14 ~~2. On the excess of two hundred to five hundred~~
 15 ~~dollars, five percent.~~
 16 ~~3. On the excess of five hundred to one thousand~~
 17 ~~dollars, three percent.~~
 18 ~~4. On all sums in excess of one thousand dollars,~~
 19 ~~one percent.~~
 20 In an action against the maker to recover payment
 21 on a check, draft, or written instrument written in
 22 violation of chapter seven hundred fourteen (714) of
 23 the Code, the plaintiff, if successful, may recover
 24 all court costs incurred, including a reasonable
 25 attorney's fee, from the maker of the check, draft,
 26 or written instrument."

H-3737 FILED *Adopted as amended by* BY JESSE of Polk
 APRIL 4, 1979 *3739 4/5 (p. 1354)*

HOUSE FILE 668

H-3739

- 1 Amend amendment H3737 to House File 668 as
- 2 follows:
- 3 Page 1. line 25, by inserting after the word
- 4 "fee," the following "or an individual's cost
- 5 of processing a small claims recovery such as lost
- 6 time and transportation costs".

H-3739 FILED

BY JOHNSON of Howard

APRIL 5, 1979

ADOPTED (p. 1354)

HOUSE FILE 668

H-3742

- 1 Amend House File 668 as follows:
- 2 1. Amend the title page by striking line 1 and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to determination of attorney's fees by the
- 5 court and the recovery of costs".

H-3742 FILED

BY CONLON of Muscatine

APRIL 5, 1979

ADOPTED BY UNANIMOUS CONSENT (p 1355)

Commerce
Craft, Chairperson
Gentleman
Robinson

4/6
Do Pass 2/1 (273)

HOUSE FILE 668

By COMMITTEE ON COMMERCE

(As Amended and Passed by the House)

Passed House, Date 4-5-79 (p. 1355) Passed Senate, Date 2-6-80 (p. 337)

Vote: Ayes 91 Nays 0 Vote: Ayes 41 Nays 2

Approved 2-21-80

A BILL FOR

1 An Act relating to determination of attorney's fees
 2 by the court and the recovery of costs in actions to
 3 recover payment on a check, draft, or written
 4 instrument which is written in violation of chapter
 5 seven hundred fourteen (714) of the Code.

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

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

_____ House Amendments

1 Section 1. Section six hundred twenty-five point twenty-
2 two (625.22), Code 1979, is amended to read as follows:

3 625.22 ATTORNEY'S FEES. When judgment is recovered upon
4 a written contract containing an agreement to pay an attorney's
5 fee, the court shall allow and tax as a part of the costs:
6 a reasonable attorney's fee to be determined by the court.

7 1.--On-the-first-two-hundred-dollars-or-fraction-thereof
8 recovered, ten-percent-

9 2.--On-the-excess-of-two-hundred-to-five-hundred-dollars,
10 five-percent-

11 3.--On-the-excess-of-five-hundred-to-one-thousand-dollars,
12 three-percent-

13 4.--On-all-sums-in-excess-of-one-thousand-dollars, one
14 percent-

15 In an action against the maker to recover payment on a
16 check, draft, or written instrument written in violation of
17 chapter seven hundred fourteen (714) of the Code, the
18 plaintiff, if successful, may recover all court costs incurred,
19 including a reasonable attorney's fee, or an individual's
20 cost of processing a small claims recovery such as lost time
21 and transportation costs from the maker of the check, draft,
22 or written instrument.

23
24
25
26
27
28
29
30
31
32
33
34
35

cost of processing a small claims recovery such as lost time and transportation costs from the maker of the check, draft, or written instrument.

HOUSE FILE 668

AN ACT

RELATING TO DETERMINATION OF ATTORNEY'S FEES BY THE COURT AND THE RECOVERY OF COSTS IN ACTIONS TO RECOVER PAYMENT ON A CHECK, DRAFT, OR WRITTEN INSTRUMENT WHICH IS WRITTEN IN VIOLATION OF CHAPTER SEVEN HUNDRED FOURTEEN (714) OF THE CODE.

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

Section 1. Section six hundred twenty-five point twenty-two (625.22), Code 1979, is amended to read as follows:

625.22 ATTORNEY'S FEES. When judgment is recovered upon a written contract containing an agreement to pay an attorney's fee, the court shall allow and tax as a part of the costs a reasonable attorney's fee to be determined by the court.

~~1--On the first two hundred dollars or fraction thereof recovered, ten percent.~~

~~2--On the excess of two hundred to five hundred dollars, five percent.~~

~~3--On the excess of five hundred to one thousand dollars, three percent.~~

~~4--On all sums in excess of one thousand dollars, one percent.~~

In an action against the maker to recover payment on a check, draft, or written instrument written in violation of chapter seven hundred fourteen (714) of the Code, the plaintiff, if successful, may recover all court costs incurred, including a reasonable attorney's fee, or an individual's

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 668, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 2-21-80, 1980

ROBERT D. RAY
Governor