

Senate Study Bill 1008 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to awarding costs and reasonable attorney
2 fees to a prevailing party in a civil action and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 625.30 Costs — attorney fees —
2 prevailing parties.

3 1. Notwithstanding any law to the contrary, in a civil
4 action the court shall award costs and reasonable attorney fees
5 to a prevailing party.

6 2. This section does not apply to actions by or against the
7 state, other governmental entities, or public officials acting
8 in their official capacity or under color of law.

9 3. For purposes of this section, "*prevailing party*" means
10 a party with a net monetary recovery, a defendant in whose
11 favor a dismissal is entered, a defendant where neither
12 plaintiff nor defendant obtains any relief, or a defendant as
13 against a plaintiff who does not recover any relief against
14 the defendant. If a party recovers other than monetary relief
15 and in situations other than as specified, the court shall
16 determine if a party is a prevailing party for purposes of this
17 section.

18 Sec. 2. LEGISLATIVE PROPOSALS. The supreme court shall
19 submit legislative proposals, no later than November 27, 2017,
20 to the senate and house of representatives standing committees
21 on judiciary to amend the Iowa Code to resolve inconsistencies
22 and conflicts and to remove ambiguities in order to fully
23 implement this Act.

24 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2018,
25 except for the section of this Act that requires the supreme
26 court to submit legislative proposals to the senate and house
27 of representatives standing committees on judiciary regarding
28 this Act.

29 Sec. 4. APPLICABILITY. This Act applies to causes of action
30 accruing on or after July 1, 2018.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the award of costs and reasonable
35 attorney fees to a prevailing party in civil actions.

1 Under current law, subject to certain exceptions, each party
2 to a civil lawsuit is responsible for its own attorney fees.
3 The bill provides that a court shall award costs and reasonable
4 attorney fees to a prevailing party. The bill defines
5 prevailing party as the party with a net monetary recovery, a
6 defendant in whose favor a dismissal is entered, a defendant
7 where neither plaintiff nor defendant obtains any relief, or
8 a defendant as against a plaintiff who does not recover any
9 relief against the defendant. If a party recovers other than
10 monetary relief and in situations other than as specified, the
11 court shall determine if a party is a prevailing party. The
12 bill does not apply to actions by or against the state, other
13 governmental entities, or public officials acting in their
14 official capacity or under color of law.

15 The bill requires the supreme court to submit legislative
16 proposals, no later than November 27, 2017, to the senate and
17 house of representatives standing committees on judiciary to
18 amend the Iowa Code to resolve inconsistencies and conflicts
19 and to remove ambiguities in order to fully implement the bill.

20 The bill takes effect July 1, 2018, except for the
21 requirement that the supreme court submit legislative proposals
22 to the senate and house of representatives standing committees
23 on judiciary.

24 The bill applies to causes of action accruing on or after
25 July 1, 2018.