

Senate Study Bill 3129 - Introduced

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

A BILL FOR

1 An Act providing for the award of attorney fees and litigation
2 costs in civil actions to prevailing parties 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 Attorney fees and litigation
2 costs.

3 1. The court rendering a judgment for a claimant in a civil
4 action shall, as a part of the judgment or award, award all
5 attorney fees and litigation costs to the prevailing party.

6 2. If the court partially awards damages to a party or
7 if each party partially prevails in the action, the court
8 shall determine the extent to which each party is entitled
9 to litigation costs and reasonable attorney fees under this
10 section and award costs and attorney fees accordingly.

11 3. This section does not apply to actions by or against the
12 state, other governmental entities, or public officials acting
13 in their official capacity or under color of law.

14 Sec. 2. LEGISLATIVE PROPOSALS. The supreme court shall
15 submit legislative proposals, no later than November 28, 2022,
16 to the senate and house of representatives standing committees
17 on judiciary to amend the Code to resolve inconsistencies and
18 conflicts and to remove ambiguities in order to fully implement
19 this Act.

20 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2023,
21 except for the section of this Act that requires the supreme
22 court to submit legislative proposals to the senate and house
23 of representatives standing committees on judiciary regarding
24 this Act.

25 Sec. 4. APPLICABILITY. This Act applies to causes of action
26 accruing on or after July 1, 2023.

27 EXPLANATION

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

30 This bill relates to attorney fees and litigation costs in
31 a civil action. The bill provides that a court shall award
32 to a prevailing party in a civil action all attorney fees and
33 litigation costs. If the court partially awards damages to
34 a party or if each party partially prevails in the action,
35 the bill requires the court to determine the extent to which

1 each party is entitled to costs and reasonable attorney fees
2 and to award the costs and attorney fees accordingly. The
3 bill does not apply to actions by or against the state, other
4 governmental entities, or public officials acting in their
5 official capacity or under color of law. Under current law,
6 a court is typically not required to award attorney fees and
7 litigation costs to a prevailing party in a civil action.

8 The bill requires the supreme court to submit legislative
9 proposals, no later than November 28, 2022, to the senate and
10 house of representatives standing committees on judiciary to
11 amend the Code to resolve inconsistencies and conflicts and to
12 remove ambiguities in order to fully implement the bill.

13 The bill takes effect July 1, 2023, except for the
14 requirement that the supreme court submit legislative proposals
15 to the senate and house of representatives standing committees
16 on judiciary.

17 The bill applies to causes of action accruing on or after
18 July 1, 2023.