

HB1153\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB14-1153 be amended as follows:

1 Amend printed bill, page 2, strike lines 4 through 13 and substitute:

2 "13-17-201. Award of reasonable attorney fees in certain  
3 cases. (1) In all actions brought as a result of a death or an injury to  
4 person or property occasioned by the tort of any other person, where any  
5 such action is dismissed on motion of the defendant prior to trial under  
6 rule 12 (b) of the Colorado rules of civil procedure, ~~such defendant~~ THE  
7 COURT shall ~~have~~ AWARD judgment for ~~his~~ THE DEFENDANT'S reasonable  
8 attorney fees in defending the action.

9 (2) (a) EXCEPT AS REQUIRED PURSUANT TO SUBSECTION (1) OF  
10 THIS SECTION, IN ALL CIVIL ACTIONS DISMISSED ON MOTION OF THE  
11 DEFENDANT PRIOR TO TRIAL UNDER RULE 12 (b) OF THE COLORADO RULES  
12 OF CIVIL PROCEDURE, THE COURT MAY AWARD THE DEFENDANT JUDGMENT  
13 FOR THE DEFENDANT'S REASONABLE ATTORNEY FEES IN DEFENDING THE  
14 ACTION WITHOUT THE NECESSITY OF DETERMINING THAT THE ACTION  
15 LACKED SUBSTANTIAL JUSTIFICATION AS REQUIRED BY SECTION  
16 13-17-102.

17 (b) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO  
18 CIVIL ACTIONS:

19 (I) BROUGHT UNDER THE "COLORADO GOVERNMENTAL IMMUNITY  
20 ACT", ARTICLE 10 OF TITLE 24, C.R.S., BY OR AGAINST A PUBLIC ENTITY,  
21 AS DEFINED IN SECTION 24-10-103 (5), C.R.S., OR A PUBLIC EMPLOYEE, AS  
22 DEFINED IN SECTION 24-10-103 (4), C.R.S., ACTING IN HIS OR HER OFFICIAL  
23 CAPACITY;

24 (II) INVOLVING DOMESTIC RELATIONS PURSUANT TO TITLE 14,  
25 C.R.S.; OR

26 (III) BROUGHT UNDER THE "COLORADO CHILDREN'S CODE", TITLE  
27 19, C.R.S.

28 (3) This section ~~shall~~ DOES not apply if a motion under rule 12 (b)  
29 of the Colorado rules of civil procedure is treated as a motion for  
30 summary judgment and disposed of as provided in rule 56 of the  
31 Colorado rules of civil procedure."

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