

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0221.01 Jerry Barry x4341

HOUSE BILL 14-1153

HOUSE SPONSORSHIP

Priola, Holbert, Humphrey, Saine, Swalm, Szabo

SENATE SPONSORSHIP

Tochtrop,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ATTORNEY FEES WHEN AN ACTION IS DISMISSED PRIOR
102 TO TRIAL.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In any tort action filed as a result of death or injury to person or property, current law requires a court to award a defendant attorney fees if the case is dismissed on a motion to dismiss under Rule 12 (b) of the Colorado rules of civil procedure. The bill extends the requirement to pay attorney fees to all civil actions.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-17-201 as
3 follows:

4 **13-17-201. Award of reasonable attorney fees in certain**
5 **cases.** In all CIVIL actions ~~brought as a result of a death or an injury to~~
6 ~~person or property occasioned by the tort of any other person, where any~~
7 ~~such action is~~ dismissed on motion of the defendant prior to trial under
8 rule 12 (b) of the Colorado rules of civil procedure, THE COURT SHALL
9 AWARD such defendant ~~shall have~~ judgment for ~~his~~ THE DEFENDANT'S
10 reasonable attorney fees in defending the action. This section ~~shall~~ DOES
11 not apply if a motion under rule 12 (b) of the Colorado rules of civil
12 procedure is treated as a motion for summary judgment and disposed of
13 as provided in rule 56 of the Colorado rules of civil procedure.

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 6, 2014, if adjournment sine die is on May 7,
18 2014); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2014 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

1 (2) This act applies to all civil actions filed on or after the
2 applicable effective date of this act.