

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1167 be amended to read as follows:

- 1 Page 6, between lines 41 and 42, begin a new paragraph and insert:
- 2 **"(m) For an action commenced under subsection (g), the court**
- 3 **shall award attorney's fees as a part of the costs to the prevailing**
- 4 **party, if the court finds that either party:**
- 5 **(1) brought the action or defense on a claim or defense that is**
- 6 **frivolous, unreasonable, or groundless;**
- 7 **(2) continued to litigate the action or defense after the party's**
- 8 **claim or defense clearly became frivolous, unreasonable, or**
- 9 **groundless; or**
- 10 **(3) litigated the action in bad faith.**
- 11 **(n) The award of fees under subsection (m) does not prevent a**
- 12 **prevailing party from bringing an action against another party for**
- 13 **abuse of process arising in any part on the same facts. However,**
- 14 **the prevailing party may not recover the same attorney's fees**
- 15 **twice."**
- 16 Page 8, between lines 22 and 23, begin a new paragraph and insert:
- 17 **"(i) For an action commenced under subsection (h), the court**
- 18 **shall award attorney's fees as a part of the costs to the prevailing**
- 19 **party, if the court finds that either party:**
- 20 **(1) brought the action or defense on a claim or defense that is**
- 21 **frivolous, unreasonable, or groundless;**
- 22 **(2) continued to litigate the action or defense after the party's**
- 23 **claim or defense clearly became frivolous, unreasonable, or**

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groundless; or
(3) litigated the action in bad faith.
(j) The award of fees under subsection (i) does not prevent a prevailing party from bringing an action against another party for abuse of process arising in any part on the same facts. However, the prevailing party may not recover the same attorney's fees twice."
Page 10, after line 5, begin a new paragraph and insert:
"(f) For an action commenced under subsection (e), the court shall award attorney's fees as a part of the costs to the prevailing party, if the court finds that either party:
(1) brought the action or defense on a claim or defense that is frivolous, unreasonable, or groundless;
(2) continued to litigate the action or defense after the party's claim or defense clearly became frivolous, unreasonable, or groundless; or
(3) litigated the action in bad faith.
(g) The award of fees under subsection (f) does not prevent a prevailing party from bringing an action against another party for abuse of process arising in any part on the same facts. However, the prevailing party may not recover the same attorney's fees twice."

(Reference is to HB 1167 as printed January 27, 2009.)

Representative Torr