

# HOUSE BILL No. 1297

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-52-1-1.

**Synopsis:** Legal costs and attorney fees. Requires a court to award costs and attorney's fees to a prevailing party if the court grants a motion to dismiss due to a claim being frivolous, unreasonable, or groundless.

**Effective:** July 1, 2014.

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January 15, 2014, read first time and referred to Committee on Judiciary.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1297

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-52-1-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) In all civil  
3 actions, the party recovering judgment shall recover costs, except in  
4 those cases in which a different provision is made by law.  
5 (b) **Except as provided in subsection (c)**, in any civil action, the  
6 court may award attorney's fees as part of the cost to the prevailing  
7 party, if the court finds that either party:  
8 (1) brought the action or defense on a claim or defense that is  
9 frivolous, unreasonable, or groundless;  
10 (2) continued to litigate the action or defense after the party's  
11 claim or defense clearly became frivolous, unreasonable, or  
12 groundless; or  
13 (3) litigated the action in bad faith.  
14 (c) **In a civil action in which the court grants a motion to**  
15 **dismiss, in whole or in part, due to a claim being frivolous,**  
16 **unreasonable, or groundless, the court shall award costs and**



1 **attorney's fees to the prevailing party.**

2 ~~(c)~~ **(d)** The award of fees under subsection (b) **or (c)** does not  
3 prevent a prevailing party from bringing an action against another party  
4 for abuse of process arising in any part on the same facts. However, the  
5 prevailing party may not recover the same attorney's fees twice.

