

SECOND REGULAR SESSION

HOUSE BILL NO. 1342

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), BAHR, FITZWATER, CRAWFORD, TILLEY, POLLOCK, ENTLICHER, LAIR, WALLINGFORD, STREAM, HOUGHTON, SCHAD, CROSS, WIELAND, WHITE, CURTMAN, BRANDOM, FREDERICK, SCHATZ, BRATTIN, LICHTENEGGER AND SCHOELLER (Co-sponsors).

5342L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 514.060, RSMo, and to enact in lieu thereof one new section relating to a prevailing defendant recovering litigation costs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 514.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 514.060, to read as follows:

514.060. In all civil actions, or proceedings of any kind, the [party] prevailing **defendant or defendants** shall recover [his] **their costs and attorney's fees** against the other party, except in those cases in which a different provision is made by law. **In determining whether the defendant prevailed, the court shall confer prevailing defendant status based upon each allegation and prayer for relief sought by plaintiff standing alone. A "prevailing defendant" shall include dismissal, grant of summary judgment, or judgment by the court for defendant. "Prevailing defendant" shall not include voluntary dismissal by the plaintiff prior to the time period for filing a motion to dismiss by the defendant. This section shall apply despite any provision of sections 514.070 to section 514.090 to the contrary.**

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.