

HB 1342 -- Recovery of Costs and Attorney Fees in Civil Actions

Sponsor: Smith (150)

Currently, the prevailing party in a civil action or proceeding must recover his or her costs against the other party, except in a case in which a different provision is made by law. This bill specifies that the prevailing defendant or defendants in a civil action or proceeding must recover his or her costs and attorney fees against the other party, except in a case in which a different provision is made by law. A prevailing defendant must include dismissal, grant of summary judgment, or judgment by the court for defendant but must not include voluntary dismissal by the plaintiff prior to the time period for filing a motion to dismiss by the defendant. These provisions must apply despite any provision of Sections 514.070 to 514.090, RSMo, to the contrary.