

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0845.01 Chelsea Princell x4335

HOUSE BILL 22-1272

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Benavidez,

SENATE SPONSORSHIP

Gonzales and Rodriguez,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE PROVISION AWARDING A DEFENDANT
102 ATTORNEY FEES IN A TORT ACTION WHEN THE CASE IS
103 DISMISSED ON MOTION OF THE DEFENDANT PRIOR 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://leg.colorado.gov>.)

Under current law, a defendant may be awarded reasonable attorney fees in tort actions if the case is dismissed on motion of the defendant prior to trial. The bill eliminates this provision.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers 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, **repeal** 13-17-201 as
3 follows:

4 **13-17-201. Award of reasonable attorney fees in certain cases.**

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

14 **SECTION 2.** In Colorado Revised Statutes, **repeal** 13-20-1206
15 as follows:

16 **13-20-1206. Attorney fees.** ~~Section 13-17-201, which requires an~~
17 ~~award of attorney fees to defendants in certain actions dismissed prior to~~
18 ~~trial, does not apply to an action brought pursuant to this part 12.~~

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.