

## SENATE BILL No. 445

By Committee on Judiciary

1-25

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9 AN ACT concerning civil procedure; relating to attorney fees; amending  
10 K.S.A. 60-2003 and repealing the existing section; also repealing K.S.A.  
11 60-2006.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Notwithstanding any other provision of law to the  
15 contrary and subject to the provisions of this section, in any civil action  
16 of any nature commenced or appealed in any court in this state, the court  
17 shall award reasonable attorney fees to the prevailing party as part of the  
18 courts judgment and taxed as part of the costs of the action in addition  
19 to any costs otherwise assessed pursuant to K.S.A. 60-2003, and amend-  
20 ments thereto. Such costs and fees shall be paid by the nonprevailing  
21 party or parties. If more than one party is responsible for costs and fees,  
22 such costs and fees shall be equitably apportioned by the court among  
23 the responsible parties.

24 (b) As used in this section:

25 (1) "Civil action" shall not include a personal injury action.

26 (2) "Personal injury action" means any action seeking damages for  
27 personal injury or death.

28 (c) The provisions of this section shall apply to civil actions based on  
29 causes of action accruing on or after July 1, 2006.

30 Sec. 2. K.S.A. 60-2003 is hereby amended to read as follows: 60-  
31 2003. Items which may be included in the taxation of costs are:

32 (1) The docket fee as provided for by K.S.A. 60-2001, and amend-  
33 ments thereto.

34 (2) The mileage, fees, and other allowable expenses of the sheriff,  
35 other officer or private process server incurred in the service of process  
36 or in effecting any of the provisional remedies authorized by this chapter.

37 (3) Publisher's charges in effecting any publication of notices author-  
38 ized by law.

39 (4) Statutory fees and mileage of witnesses attending court or the  
40 taking of depositions used as evidence.

41 (5) Reporter's or stenographic charges for the taking of depositions  
42 used as evidence.

43 (6) The postage fees incurred pursuant to K.S.A. 60-303 or subsec-

1 tion (e) of K.S.A. 60-308, and amendments thereto.

2 (7) Alternative dispute resolution fees shall include fees, expenses  
3 and other costs arising from mediation, conciliation, arbitration, settle-  
4 ment conferences or other alternative dispute resolution means, whether  
5 or not such means were successful in resolving the matter or matters in  
6 dispute, which the court shall have ordered or to which the parties have  
7 agreed.

8 (8) Such other charges as are by statute authorized to be taxed as  
9 costs.

10 (9) *Reasonable attorney fees awarded to the prevailing party pursu-*  
11 *ant to section 1, and amendments thereto.*

12 Sec. 3. K.S.A. 60-2003 and 60-2006 are hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its  
14 publication in the statute book.