

SECOND REGULAR SESSION

# SENATE BILL NO. 613

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS KEHOE, LAMPING AND DEMPSEY.

Read 1st time January 5, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4732S.011

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## 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.

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*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Section A. Section 514.060, RSMo, is repealed and one new section  
2 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]  
2 prevailing **defendant or defendants** shall recover [his] **their** costs and  
3 **attorney's fees** against the other party, except in those cases in which a  
4 different provision is made by law. **In determining whether the defendant**  
5 **prevailed, the court shall confer prevailing defendant status based**  
6 **upon each allegation and prayer for relief sought by plaintiff standing**  
7 **alone. A "prevailing defendant" shall include dismissal, grant of**  
8 **summary judgment, or judgment by the court for**  
9 **defendant. "Prevailing defendant" shall not include voluntary dismissal**  
10 **by the plaintiff prior to the time period for filing a motion to dismiss**  
11 **by the defendant. This section shall apply despite any provision of**  
12 **sections 514.070 to section 514.090 to the contrary.**

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**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**