

1 HB566
2 146930-1
3 By Representatives Henry, Greer, Patterson, McCutcheon,
4 Butler, Sanderford, Farley, Roberts, Baughn, Rich,
5 Johnson (W), McAdory, Sessions, Davis, Collins, Carns,
6 Johnson (K), Millican, Laird, Bridges, Ball, Moore (B),
7 Wood, Buttram, Chesteen and Standridge
8 RFD: Judiciary
9 First Read: 04-APR-13

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8 SYNOPSIS: Existing law does not allow the court in all
9 civil actions to award attorney's fees as part of
10 the cost to the prevailing party.

11 This bill would provide that in all civil
12 actions, the court shall award attorney's fees as
13 part of the cost to the prevailing party.

14 This bill would provide that a prevailing
15 party may bring an action against another party for
16 abuse of process arising in any part on the same
17 facts in the action in which attorney's fees were
18 awarded; however, the prevailing party may not
19 recover the same attorney's fees twice.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to attorney's fees; to provide that in all
26 civil actions, the court shall award attorney's fees as part
27 of the cost to the prevailing party; and to provide that a

1 prevailing party may bring an action against another party for
2 abuse of process arising in any part on the same facts in the
3 action in which attorney's fees were awarded; however, the
4 prevailing party may not recover the same attorney's fees
5 twice.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) Notwithstanding any other provisions
8 of law, in all civil actions, the court shall award attorney's
9 fees as part of the cost to the prevailing party.

10 (b) The award of fees under subsection (a) does not
11 prevent a prevailing party from bringing an action against
12 another party for abuse of process arising in any part on the
13 same facts. However, the prevailing party may not recover
14 additional attorney's fees for an action based in any part on
15 the same facts.

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.