

HOUSE BILL NO. HB0115

Attorneys fees awarded to prevailing party.

Sponsored by: Representative(s) Steinmetz and Hunt and
Senator(s) Meier

A BILL

for

1 AN ACT relating to civil procedure; allowing for the award
2 of reasonable costs and attorney's fees in civil actions or
3 appeals brought by government entities as specified;
4 providing applicability; and providing for an effective
5 date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 1-35-109 is created to read:

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11 **1-35-109. Attorney's fees authorized for any civil**
12 **action or appeal initiated by a government entity.**

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14 (a) A court shall award reasonable costs and
15 attorney's fees, consistent with W.S. 1-14-126, to any

1 person who has prevailed in any civil action or appeal
2 brought against the person by a government entity.

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4 (b) A court shall award reasonable costs and
5 attorney's fees to any person upon a determination that a
6 government entity has brought a civil action against that
7 person that is frivolous or is solely intended to cause
8 unnecessary delay or harm.

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10 (c) For purposes of this section, "government entity"
11 means the state of Wyoming or any department or
12 instrumentality thereof or any county, incorporated city or
13 town.

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15 **Section 2.** W.S. 1-39-118(d) is amended to read:

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17 **1-39-118. Maximum liability; insurance authorized.**

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19 (d) Except as provided in W.S. 1-35-109, no judgment
20 against a governmental entity shall include an award for
21 exemplary or punitive damages, for interest prior to
22 judgments or for attorney's fees.

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1 **Section 3.** This act shall apply to all court actions
2 initially filed on or after July 1, 2017.

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4 **Section 4.** This act is effective July 1, 2017.

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6

(END)