

HB 107 – AS INTRODUCED

2013 SESSION

13-0020
09/01

HOUSE BILL ***107***

AN ACT relative to the losing party's payment of the prevailing party's costs in tort actions.

SPONSORS: Rep. Vaillancourt, Hills 15

COMMITTEE: Judiciary

ANALYSIS

The bill requires the losing party to pay the prevailing party's attorney's fees and court costs in tort actions. The court may waive a portion of the amount the losing party is required to pay, if the losing party is able to prove inability to pay the entire amount of attorney's fees and court costs.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the losing party's payment of the prevailing party's costs in tort actions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Losing Party's Payment of Prevailing Party's Attorney's Fees and Court
2 Costs in Tort Actions. Amend RSA 507 by inserting after section 17 the following new subdivision:

3 Payment of Attorney's Fees and Court Costs

4 507:18 Payment of Attorney's Fees and Court Costs.

5 I. Except as otherwise provided in this chapter and except as provided in paragraph II, the
6 court shall order the losing party to pay the prevailing party's attorney's fees and court costs in tort
7 actions.

8 II. The court shall offer the losing party the opportunity to present evidence to the court of
9 inability to pay the entire amount of the prevailing party's attorney's fees and court costs. If the
10 court finds that the losing party is unable to pay the entire amount of attorney's fees and court costs,
11 it may waive the portion of the prevailing party's attorney's fees and court costs which the losing
12 party is unable to pay.

13 2 Effective Date. This act shall take effect January 1, 2014.