

1 AN ACT relating to court costs.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 454.460 is amended to read as follows:

4 As used in KRS 454.460 to 454.478:

5 (1) "Cause of action" does not include:

6 (a) A procedural action taken or motion made in an action that does not amend or
7 add a claim for legal, equitable, or declaratory relief; or

8 (b) Post-judgment enforcement actions;

9 (2) **"Filed in bad faith"**:

10 (a) **Means presenting to the court a pleading, written motion, or other paper for**
11 **any improper purpose, such as to harass, cause unnecessary delay, or**
12 **needlessly increase the cost of litigation; and**

13 (b) **Does not include:**

14 1. **Knowledge, information, and belief, formed after a reasonable inquiry**
15 **that the claim, defense, or other legal contention is well grounded in**
16 **fact and warranted by existing law; or**

17 2. **A good-faith argument for the extension, modification, or reversal of**
18 **existing law;**

19 (3) "Goods or services" does not include the creation, dissemination, exhibition, or
20 advertisement or similar promotion of a dramatic, literary, musical, political,
21 journalistic, or artistic work;

22 (4)[(3)] "Governmental unit" means a public corporation, government, or government
23 subdivision, agency, or instrumentality;

24 (5)[(4)] "Matter of public concern" means a statement or activity regarding:

25 (a) A public official, public figure, or other person who has drawn substantial
26 public attention due to the person's official acts, fame, notoriety, or celebrity;

27 (b) A matter of political, social, or other interest to the community; or

2 **(6)(5)** "Person" means an individual, estate, trust, partnership, business or nonprofit
3 entity, governmental unit, or other legal entity.

4 ➔Section 2. KRS 454.478 is amended to read as follows:

5 On a motion under KRS 454.464, or the appeal of an order granting or denying a motion
6 under KRS 454.464, the court shall award court costs, reasonable attorney's fees, and
7 reasonable litigation expenses related to the motion:

8 (1) To the moving party if the moving party prevails on the motion and the court finds
9 that the responding party's complaint, crossclaim, counterclaim, third-party
10 claim, or other pleading that asserts a cause of action was filed in bad faith; or
11 (2) To the responding party if the responding party prevails on the motion and the court
12 finds that the moving party's motion was filed in bad faith [motion was brought
13 without good cause].