

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

1 (c) A subject of concern to the public; and

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]~~.