

**HOUSE BILL NO. 385**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE CROFT**

**Introduced: 2/6/02**  
**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the attorney fees and costs awarded in certain court actions relating**  
2 **to unfair trade practices; and amending Rules 54, 79, and 82, Alaska Rules of Civil**  
3 **Procedure."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 45.50.537(b) is amended to read:

6 (b) Unless the action is found to be frivolous, in an action brought by a private  
7 person under AS 45.50.471 - 45.50.561, a prevailing defendant **may not** [SHALL] be  
8 awarded attorney fees and costs [AS PROVIDED BY COURT RULE]. If the action  
9 is found to be frivolous, the attorney fees to be awarded to the defendant shall be full  
10 reasonable attorney fees at the prevailing reasonable rate.

11 \* **Sec. 2.** AS 45.50.537 is amended by adding a new subsection to read:

12 (e) In an action brought by the attorney general under AS 45.50.471 -  
13 45.50.561, if the attorney general prevails, the state shall be awarded full attorney fees  
14 and costs.

1     \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           COURT RULE CHANGES. (a) AS 45.50.537(b), as amended by sec. 1 of this Act,  
4 and AS 45.50.537(e), added by sec. 2 of this Act, change Rule 82, Alaska Rules of Civil  
5 Procedure, by establishing different rules relating to the award of attorney fees in actions that  
6 are brought under AS 45.50.471 - 45.50.561.

7           (b) AS 45.50.537(b), as amended by sec. 1 of this Act, and AS 45.50.537(e), added by  
8 sec. 2 of this Act, change Rules 54(d) and 79, Alaska Rules of Civil Procedure, by  
9 establishing different rules relating to the award of costs in actions that are brought under  
10 AS 45.50.471 - 45.50.561.

11     \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13           APPLICABILITY. AS 45.50.537(b), as amended by sec. 1 of this Act, and  
14 AS 45.50.537(e), added by sec. 2 of this Act, apply only to causes of action that accrue on or  
15 after the effective date of this Act.

16     \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18           CONDITIONAL EFFECT. Sections 1 and 2 of this Act take effect only if sec. 3 of  
19 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
20 Constitution of the State of Alaska.