

IN THE SENATE

SENATE BILL NO. 1079

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO PATIENT ACT; AMENDING SECTION 48-305, IDAHO CODE, TO PROVIDE FOR CERTAIN ACTIONS, PROCEEDINGS, OR JUDGMENTS FOUNDED ON OR DERIVED FROM A JUDGMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 48-305, Idaho Code, be, and the same is hereby amended to read as follows:

48-305. FEES AND COSTS FOR EXTRAORDINARY COLLECTION ACTION. (1) Notwithstanding any provision of law or agreement to the contrary, a patient shall have no liability to any party taking extraordinary collection action for costs, expenses, and fees, including attorney's fees, unless the party has complied with section 48-304, Idaho Code, and then subject to the following limitations:

(a) In the case of an uncontested judgment against the patient, the court may award, in addition to the outstanding principal, up to three hundred fifty dollars (\$350) or an amount equal to one hundred percent (100%) of the outstanding principal amount, whichever is less, plus any prejudgment interest accrued in accordance with section 48-304(1) (d), Idaho Code, and any postjudgment interest awarded by the court;

(b) In the case of a contested judgment against the patient, the court may award, in addition to the outstanding principal, up to seven hundred fifty dollars (\$750) or an amount equal to one hundred percent (100%) of the outstanding principal amount, whichever is less, plus any prejudgment interest accrued in accordance with section 48-304(1) (d), Idaho Code, and any postjudgment interest awarded by the court;

(c) In the case of postjudgment motions and writs, the court may award up to seventy-five dollars (\$75.00) for any successful motion or application for a writ of attachment to any particular garnishee and twenty-five dollars (\$25.00) for any subsequent application for a writ to the same garnishee. In the case of garnishments, the court may also award service fees as prescribed by the applicable board of county commissioners pursuant to section 11-729, Idaho Code.

(2) In the case of a contested judgment, if a party taking extraordinary collection action against a patient prevails against a patient and incurs costs, expenses, and fees, including attorney's fees, that are grossly disproportionate to the award amounts set forth in subsection (1) (b) of this section, then the party may petition the court for a supplemental award for costs, expenses, and fees. Upon an affirmative showing that the incurred costs, expenses, and fees are grossly disproportionate to the award amounts set forth in subsection (1) (b) of this section, and that fees were incurred because of the patient's willful attempt to avoid paying a bona fide debt,

1 then the court may take into account the factors outlined in rule 54(e) (3) of  
2 the Idaho rules of civil procedure and may, in its discretion, award supple-  
3 mental costs, expenses, and reasonable attorney's fees.

4 (3) Notwithstanding any provision of law or agreement to the contrary,  
5 if a patient in a contested judgment is a prevailing party, then the patient  
6 shall be entitled to recover from a nonprevailing party all costs, expenses,  
7 and fees, including attorney's fees, incurred by the patient in contesting  
8 the action, and the patient shall have no liability to any nonprevailing par-  
9 ties for any costs, expenses, and fees, including attorney's fees and pre-  
10 judgment interest incurred by a nonprevailing party.

11 (4) The limitations on costs, expenses, and fees, including attorney's  
12 fees, provided for in this section shall apply to every action, proceeding,  
13 or judgment to which this chapter applies and to every action, proceeding, or  
14 judgment founded on or derived from such a judgment, including without lim-  
15 itation a new cause of action on a judgment, a judgment recovery case, or a  
16 judgment sold, transferred, or assigned by the original creditor or judg-  
17 ment creditor. The original action and judgment and any subsequent actions  
18 or judgments shall be considered a single action or judgment for purposes of  
19 computing or applying such limitations.

20 SECTION 2. An emergency existing therefor, which emergency is hereby  
21 declared to exist, this act shall be in full force and effect on and after  
22 July 1, 2025.