

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2865
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 33, chapter 9, article 3, Arizona Revised
3 Statutes, is amended by adding section 33-1243.01, to read:

4 33-1243.01. Attorney fees; costs

5 [A.] NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS OR
6 ANY AGREEMENT BETWEEN THIRD PARTIES [AND NOTWITHSTANDING ANY OTHER
7 PROVISION IN THIS CHAPTER], AN ASSOCIATION SHALL NOT CHARGE OR OTHERWISE
8 ASSESS THE ASSOCIATION'S ATTORNEY FEES AND RELATED COSTS ONTO ONE OR MORE
9 UNIT OWNERS OR FORMER UNIT OWNERS. [ALL PARTIES IN ANY LITIGATION,
10 ARBITRATION, MEDIATION, ADMINISTRATIVE ACTION OR OTHER CLAIM SHALL BEAR
11 THEIR OWN ATTORNEY FEES AND RELATED COSTS, EXCEPT THAT] A UNIT OWNER OR
12 FORMER UNIT OWNER MAY RECOVER ATTORNEY FEES AND RELATED COSTS AGAINST THE
13 ASSOCIATION IF [THE CONDOMINIUM DOCUMENTS SO PROVIDE] [THE UNIT OWNER OR
14 FORMER UNIT OWNER PREVAILS].

15 [B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY ACTION
16 BROUGHT PURSUANT TO SECTION 12-552.]

17 Sec. 2. Title 33, chapter 16, article 1, Arizona Revised Statutes,
18 is amended by adding section 33-1803.01, to read:

19 33-1803.01. Attorney fees; costs

20 [A.] NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS OR
21 ANY AGREEMENT BETWEEN THIRD PARTIES [AND NOTWITHSTANDING ANY OTHER
22 PROVISION IN THIS CHAPTER], AN ASSOCIATION SHALL NOT CHARGE OR OTHERWISE
23 ASSESS THE ASSOCIATION'S ATTORNEY FEES AND RELATED COSTS ONTO ONE OR MORE
24 MEMBERS OR FORMER MEMBERS. [ALL PARTIES IN ANY LITIGATION, ARBITRATION,
25 MEDIATION, ADMINISTRATIVE ACTION OR OTHER CLAIM SHALL BEAR THEIR OWN
26 ATTORNEY FEES AND RELATED COSTS, EXCEPT THAT] A MEMBER OR FORMER MEMBER
27 MAY RECOVER ATTORNEY FEES AND RELATED COSTS AGAINST THE ASSOCIATION IF

1 ~~[THE COMMUNITY DOCUMENTS SO PROVIDE]~~[THE MEMBER OR FORMER MEMBER
2 ~~PREVAILS]~~.
3 ~~[B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY ACTION~~
4 ~~BROUGHT PURSUANT TO SECTION 12-552.]~~

5 Enroll and engross to conform

6 Amend title to conform

And, as so amended, it do pass

JEFF WENINGER
CHAIRMAN

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~~C: MR~~

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H: PB/l's