

2004 SESSION

INTRODUCED

045174308

HOUSE BILL NO. 1235

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 59.1-207.14 of the Code of Virginia, relating to actions to enforce the provisions of the Motor Vehicle Warranty Enforcement Act; attorney's fees awards.

Patron—Griffith

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-207.14 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-207.14. Action to enforce provisions of chapter.

A. Any consumer who suffers loss by reason of a violation of any provision of this chapter may bring a civil action to enforce such provision. Any consumer who is successful in such an action or any defendant in any frivolous action brought by a consumer shall recover reasonable attorney's fees, expert witness fees and court costs incurred by bringing such actions.

B. For purposes of this section, in considering whether the attorney's fees are reasonable, the court shall take into account the following factors:

1. Time and labor expended;
2. Skill required to properly perform the legal service required;
3. Novelty and difficulty of question raised;
4. Preclusion of employment by attorney due to acceptance of case;
5. Customary fee for like work;
6. The nature of the fee (i.e., fixed, hourly or contingent);
7. Experience, reputation and ability of attorney;
8. Time limitations imposed by client or circumstances;
9. Amount involved and results obtained taking into account whether a party made a good faith offer of settlement in writing before commencement of an action or while an action is pending and whether the other party incurred additional attorney's fees because of the failure to accept such good faith offer;
10. Desirability of the case within the legal community in which the action arose;
11. Nature and length of professional relationship with clients; and
12. Attorney's fees awarded in similar cases.

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