

SENATE BILL NO. 394
INTRODUCED BY G. PERRY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IN MOST CIVIL ACTIONS, A PARTY TO WHOM COSTS ARE AWARDED IS ENTITLED TO REASONABLE ATTORNEY FEES; AMENDING SECTION 25-10-201, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-10-201, MCA, is amended to read:

"25-10-201. Costs generally allowable. A party to whom costs are awarded in an action is entitled to include in ~~his~~ the bill of costs ~~his~~ the party's necessary disbursements, as follows:

- (1) the legal fees of witnesses, including mileage, or referees and other officers;
- (2) the expenses of taking depositions;
- (3) the legal fees for publication when publication is directed;
- (4) the legal fees paid for filing and recording papers and certified copies ~~thereof~~ of papers necessarily used in the action or on the trial;
- (5) the legal fees paid to stenographers for per diem or for copies;
- (6) the reasonable expenses of printing papers for a hearing when required by a rule of court;
- (7) the reasonable expenses of making transcript for the supreme court;
- (8) the reasonable expenses for making a map or maps if required and necessary to be used on trial or hearing; ~~and~~
- (9) reasonable attorney fees, as determined by the court; and
- ~~(9)(10) such~~ other reasonable and necessary expenses ~~as that~~ are taxable according to the course and practice of the court or by express provision of law."

NEW SECTION. **Section 2. Applicability.** [This act] applies to actions and proceedings filed after [the effective date of this act].

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