

SENATE BILL NO. 394

INTRODUCED BY PERRY, COHENOUR, ANDERSON, BARKUS, BLACK, BOHLINGER, R. BROWN, FUCHS, GEBHARDT, GLASER, GRIMES, KEENAN, LAIBLE, LEWIS, MCGEE, MCNUTT, A. OLSON, RIPLEY, F. THOMAS, ZOOK, SHEA, SPRAGUE

A BILL FOR AN ACT ENTITLED: "AN ACT SEEKING TO ENSURE FAIRNESS IN LITIGATION BY 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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