

SENATE BILL NO. 419
INTRODUCED BY W. MCNUTT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO EXPERT WITNESS FEES IN CIVIL LITIGATION; AND AMENDING SECTIONS 26-2-501 AND 26-2-505, MCA."

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

Section 1. Section 26-2-501, MCA, is amended to read:

"26-2-501. Witnesses in courts of record and before certain court officers. (1) ~~Witness~~ Except as provided in 26-2-505, witness fees are as follows:

(a) for attending in any civil or criminal action or proceeding before any court of record, referee, or officer authorized to take depositions or commissioners to assess damages or otherwise, for each day, \$10;

(b) for mileage in traveling to the place of trial or hearing, each way, for each mile, a mileage allowance as provided in 2-18-503.

(2) However, ~~no an~~ officer of the United States, the state of Montana, or any county, incorporated city, or town within the limits of the state of Montana ~~shall~~ may not receive any per diem when testifying in a criminal proceeding, and ~~no a~~ witness ~~shall~~ may not receive fees in ~~any~~ more than one criminal case on the same day."

Section 2. Section 26-2-505, MCA, is amended to read:

"26-2-505. Expert witnesses. An expert is a witness and ~~receives the same compensation as a witness~~ must be paid the expert's usual hourly rate or a rate not to exceed \$250 per hour, whichever is less, unless the expert is specifically retained pursuant to Rule 26(b), Montana Rules of Civil Procedure, in which case, the expert must be paid a fee as provided in that rule."

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