

1 House BILL NO. 633
2 INTRODUCED BY VINCENT-----

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DISTRICT
5 COURTS TO AWARD THE PREVAILING PARTY IN ACTIONS INVOLVING
6 \$10,000 OR LESS ATTORNEY'S FEES AND EXPERT WITNESS FEES."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Attorney and expert witness fees in actions
10 involving ten thousand dollars or less. In any civil action
11 brought in a district court in which the recovery or, if
12 there is no recovery, the claim is for \$10,000 or less, the
13 court shall allow as costs to the prevailing party a
14 reasonable attorney's fee. In addition, the court shall
15 allow as costs to such party the fees of not more than three
16 expert witnesses in an amount not exceeding \$250 for each
17 witness.

-End-

HB633

INTRODUCED BILL

Approved by Committee
on Judiciary

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House BILL NO. 633

INTRODUCED BY VINCENT-----

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DISTRICT
COURTS TO AWARD THE PREVAILING PARTY IN ACTIONS INVOLVING
\$10,000 OR LESS ATTORNEY'S FEES AND EXPERT WITNESS FEES."

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

Section 1. Attorney and expert witness fees in actions
involving ten thousand dollars or less. In any civil action
brought in a district court in which the recovery or, if
there is no recovery, the claim is for \$10,000 or less, the
court shall allow as costs to the prevailing party a
reasonable attorney's fee. In addition, the court shall
allow as costs to such party the fees of not more than three
expert witnesses in an amount not exceeding \$250 for each
witness.

-End-

HB 633

SECOND READING

1 HOUSE BILL NO. 633
2 INTRODUCED BY VINCENT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE ~~ALLOW~~ THE
5 DISTRICT COURTS TO AWARD THE PREVAILING PARTY IN ACTIONS
6 INVOLVING \$10,000 OR LESS ATTORNEY'S FEES AND EXPERT WITNESS
7 FEES."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Attorney and expert witness fees in actions
11 involving ten thousand dollars or less. In any civil action
12 ~~FOR MONETARY DAMAGES~~ brought in a district court in which
13 the recovery or, if there is no recovery, the claim is for
14 \$10,000 or less, the court ~~shall~~ MAY allow as costs to the
15 prevailing party a reasonable attorney's fee. In addition,
16 the court ~~shall~~ MAY allow as costs to such party the fees of
17 not more than three expert witnesses in an amount not
18 exceeding \$250 for each witness.

19 ~~SECTION 2. REASONABLE ATTORNEY'S FEES. REASONABLE~~
20 ~~ATTORNEY'S FEES ARE THE CUSTOMARY RATES FOR AN ATTORNEY'S~~
21 ~~SERVICES IN THE COUNTY IN WHICH TRIAL IS HELD, EXCEPT THAT~~
22 ~~FOR THE PURPOSES OF RECOVERY UNDER THIS ACT, SUCH RATES MAY~~
23 ~~NOT EXCEED FIFTY DOLLARS PER HOUR.~~

24 ~~SECTION 3. ATTORNEY'S FEES NOT TO BE AWARDED IN~~
25 ~~CERTAIN CIVIL ACTIONS. ATTORNEY'S FEES MAY NOT BE AWARDED~~

1 IN CIVIL ACTIONS BROUGHT OR DEFENDED BY A PARTY WHO IS
2 REPRESENTED BY A LEGAL SERVICES ATTORNEY.

-End-