

SENATE BILL NO. 483

IN THE SENATE

February 12, 1979

Introduced and referred to
Committee on Highways and
Transportation.

February 19, 1979

Committee recommend bill do
not pass.

1 Senate BILL NO. 483
2 INTRODUCED BY Stony

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE COURT COSTS
5 AND ATTORNEY'S FEES TO A SUCCESSFUL PLAINTIFF IN AN ACTION
6 ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR
7 VEHICLE; AMENDING SECTIONS 25-10-101 AND 25-10-302, MCA."

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

10 Section 1. Section 25-10-101, MCA, is amended to read:

11 "25-10-101. When costs allowed, of course, to
12 plaintiff. Costs are allowed, of course, to the plaintiff
13 upon a judgment in his favor in the following cases:

14 (1) in an action for the recovery of real property or
15 damages thereto;

16 (2) in an action to recover the possession of personal
17 property where the value of the property exceeds \$50; such
18 value shall be determined by the jury, court, or referee by
19 whom the action is tried;

20 (3) in an action for the recovery of money or damages,
21 exclusive of interest, when plaintiff recovers over \$50;

22 (4) in a special proceeding;

23 (5) in an action which involves the title or
24 possession or right of possession of real estate; or the
25 legality of any tax, impost, assessment, toll, or municipal

1 fine; or quo warranto proceedings;
2 (6) in an action to foreclose a lien or pledge, to
3 prevent or abate a nuisance, or for an injunction; or
4 (7) in an action arising out of the ownership,
5 maintenance, or use of a motor vehicle."

6 Section 2. Section 25-10-302, MCA, is amended to read:
7 "25-10-302. Inclusion of attorney's fees in bill of
8 costs. The attorney's fees mentioned in 30-9-511, 71-1-233,
9 and 71-3-124, and [section 4] need not be included in the
10 cost bill if they are made a part of the judgment."

11 NEW SECTION. Section 3. Counsel fees -- motor vehicle
12 claim. In a cause of action arising out of the ownership,
13 maintenance, or use of any motor vehicle, the court must
14 allow as a part of the costs a reasonable attorney's fee
15 that shall be fixed by the court, notwithstanding any
16 agreement between the parties to the contrary.

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