

HOUSE BILL NO. 762

2/11 Introduced
2/11 Referred to State Administration
2/19 Hearing
Died in Committee

1 HOUSE BILL NO. 762
2 INTRODUCED BY James C. Smith
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF
5 COMPUTING AN ATTORNEY FEE AWARDED TO A WORKERS' COMPENSATION
6 CLAIMANT; AMENDING SECTIONS 39-71-611 AND 39-71-612, MCA."
7

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

9 Section 1. Section 39-71-611, MCA, is amended to read:
10 "39-71-611. Costs and attorneys' fees payable on
11 denial of claim or termination of benefits later found
12 compensable. In the event an insurer denies liability for a
13 claim for compensation or terminates compensation benefits
14 and the claim is later adjudged compensable by the workers'
15 compensation judge or on appeal, the insurer shall pay
16 reasonable costs and attorneys' fees as established by the
17 workers' compensation judge, but the attorney fee awarded
18 must be based on the value of the services rendered and may
19 not exceed 20% of that portion of the award of benefits
20 which was in dispute between the parties."

21 Section 2. Section 39-71-612, MCA, is amended to read:
22 "39-71-612. Costs and attorneys' fees payable based on
23 difference between amount paid by insurer and amount later
24 found compensable. (1) If an employer or insurer pays or
25 tenders payment of compensation under chapter 71 or 72 of

1 this title, but controversy relates to the amount of
2 compensation due and the settlement or award is greater than
3 the amount paid or tendered by the employer or insurer, a
4 reasonable attorney's fee in view of the value of the
5 services rendered, as established by the division or the
6 workers' compensation judge if the case has gone to a
7 hearing, based solely upon and not to exceed 20% of the
8 difference between the amount settled for or awarded and the
9 amount tendered or paid, may be awarded in addition to the
10 amount of compensation.

11 (2) When an attorney's fee is awarded against an
12 employer or insurer under this section there may be further
13 assessed against the employer or insurer reasonable costs,
14 fees, and mileage for necessary witnesses attending a
15 hearing on the claimant's behalf. Both the necessity for the
16 witness and the reasonableness of the fees must be approved
17 by the division or the workers' compensation judge."

18 NEW SECTION. Section 3. Extension of authority. Any
19 existing authority of the division of workers' compensation
20 to make rules on the subject of the provisions of this act
21 is extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
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