

*Mullis*  
SENATE BILL NO. 308

*Thomas L. Smith*

1 *Mason*

2 INTRODUCED BY *Shelton* *Bob Brown*

3 *HARP* *Cole* *Johnson* *Martinez* *Benedict* *Whitney*

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT IN MOST CIVIL ACTIONS, A PARTY TO  
5 WHOM COSTS ARE AWARDED IS ENTITLED TO REASONABLE ATTORNEY FEES, AS DETERMINED BY  
6 THE COURT; AMENDING SECTION 25-10-201, MCA; AND PROVIDING AN APPLICABILITY DATE."

7 *Jenkins* *Swanson* *Tweet* *Rekin* *Town* *Asmuth* *Keating*

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

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10 Section 1. Section 25-10-201, MCA, is amended to read:

11 "25-10-201. **Costs generally allowable.** A party to whom costs are awarded in an action is entitled  
12 to include in ~~his~~ the bill of costs ~~his~~ the party's necessary disbursements, as follows:

- 13 (1) the legal fees of witnesses, including mileage, or referees and other officers;
- 14 (2) the expenses of taking depositions;
- 15 (3) the legal fees for publication when publication is directed;
- 16 (4) the legal fees paid for filing and recording papers and certified copies ~~thereof~~ of papers  
17 necessarily used in the action or on the trial;
- 18 (5) the legal fees paid to stenographers for per diem or for copies;
- 19 (6) the reasonable expenses of printing papers for a hearing when required by a rule of court;
- 20 (7) the reasonable expenses of making transcript for the supreme court;
- 21 (8) the reasonable expenses for making a map or maps if required and necessary to be used on trial  
22 or hearing; ~~and~~
- 23 (9) reasonable attorney fees, as determined by the court; and
- 24 ~~(9)~~ (10) such other reasonable and necessary expenses ~~as~~ that are taxable according to the course  
25 and practice of the court or by express provision of law."

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27 NEW SECTION. Section 2. **Applicability.** [This act] applies to actions and proceedings filed after  
28 October 1, 1995.

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