

HOUSE BILL NO. 1218

Introduced by

Representative Klemin

1 A BILL for an Act to amend and reenact sections 28-26-06 and 28-26-10 of the North Dakota
2 Century Code, relating to costs and disbursements taxed in judgments.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 28-26-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-26-06. Disbursements taxed in judgment.** ~~It~~ Except as otherwise provided in this
7 section for the award of disbursements in the discretion of the court, in all actions and special
8 proceedings, the clerk shall tax as a part of the judgment in favor of the prevailing party his that
9 party's necessary disbursements as follows:

- 10 1. The legal fees of witnesses and of referees and other officers;
- 11 2. The fees of clerks of court, sheriffs, and process servers;
- 12 3. The reasonable fees, as determined by the court, of receivers, masters, and
13 trustees appointed by the court;
- 14 4. The necessary expenses of taking depositions and of procuring evidence
15 necessarily used or obtained for use on the trial;
- 16 ~~3-~~ 5. The legal fees for publication, when publication is made pursuant to law;
- 17 4- 6. The legal fees of the court reporter for a transcript of the testimony when ~~such~~ the
18 transcript is used on motion for a new trial or in preparing a statement of the case;
19 and
- 20 ~~5-~~ 7. The fees of expert witnesses. ~~Such~~ The fees must be reasonable fees as
21 determined by the court, plus his the expert witness's actual expense. The
22 following are nevertheless in the sole discretion of the trial court:
 - 23 a. The number of expert witnesses who are allowed fees or expenses;

- 1 b. The amount of fees to be paid ~~such~~ the allowed expert witnesses, including
2 an amount for time expended in preparation for trial; and
3 c. The amount of costs for actual expenses to be paid ~~such~~ the allowed expert
4 witnesses.

5 **SECTION 2. AMENDMENT.** Section 28-26-10 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **28-26-10. Costs in discretion of court - Disbursements.** In actions other than those
8 specified in sections 28-26-07, 28-26-08, and 28-26-09, costs may be allowed for or against
9 either party in the discretion of the court. In all actions, when there are several defendants not
10 united in interest and making separate defenses by separate answers and the plaintiff fails to
11 recover judgment against all, the court may award costs to such of the defendants as have
12 judgment in their favor. Disbursements are not discretionary except to the extent provided in
13 section 28-26-06.