



# Senate

General Assembly

**File No. 431**

January Session, 2001

Substitute Senate Bill No. 1357

*Senate, April 24, 2001*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING WITNESS FEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 52-260 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (f) When any practitioner of the healing arts, as defined in section  
4 20-1, dentist, registered nurse or licensed practical nurse, as defined in  
5 section 20-87a, or real estate appraiser [is summoned to give] gives  
6 expert testimony in any action or proceeding, including by means of a  
7 deposition, the court shall determine a reasonable fee to be paid to the  
8 practitioner of the healing arts, dentist, registered nurse or licensed  
9 practical nurse, as defined in section 20-87a, or real estate appraiser  
10 and taxed as part of the costs in lieu of all other witness fees payable to  
11 the practitioner of the healing arts, dentist, registered nurse or licensed  
12 practical nurse, as defined in section 20-87a, or real estate appraiser. If  
13 such expert testimony is given by means of a deposition, such  
14 reasonable fee shall include the reasonable expenses incurred for the

15 recording, videotaping, transcription and presentation of such  
16 deposition in such action or proceeding.

17 Sec. 2. Subsection (b) of section 52-257 of the general statutes is  
18 repealed and the following is substituted in lieu thereof:

19 (b) Parties shall also receive: (1) For each witness attending court,  
20 [his] the witness' legal fee and mileage; (2) for each deposition taken  
21 out of the state, forty dollars, and for each deposition within the state,  
22 thirty dollars; (3) on an application for the sale of property attached,  
23 the expenses incurred; (4) in any civil action affecting the title to real  
24 property situated in this state, or affecting any mortgage or lien  
25 thereon, the actual expense, not exceeding the sum of one hundred  
26 fifty dollars, of an examination of the land records concerning the title  
27 to the real property in question and such amount as the court or judge  
28 determines to be reasonable for the services of an expert on the value  
29 of the land when such value is in dispute; (5) for maps, plans,  
30 mechanical drawings and photographs, necessary or convenient in the  
31 trial of any action, a reasonable sum; (6) for copies of records used in  
32 evidence, bonds, recognizances and subpoenas, court and clerk's fees;  
33 (7) for the signing and service of process, the legal fees payable  
34 therefor, except that a fee shall not be allowed for the return of a  
35 subpoena to court; (8) the actual expense incurred in publishing orders  
36 of notice under direction of the court; (9) for each interpreter  
37 necessarily employed in the trial of any civil action, twenty dollars per  
38 diem; (10) for premiums upon all bonds or undertakings provided  
39 pursuant to statute, rule of court, order of court or stipulation of  
40 parties, including bonds in lieu of or in release or dissolution of  
41 attachment, the actual amount paid, not exceeding a reasonable  
42 amount; [and] (11) documented investigative costs and expenses, not  
43 exceeding the sum of two hundred dollars; and (12) for the recording,  
44 videotaping, transcribing and presentation of the deposition of a  
45 practitioner of the healing arts, as defined in section 20-1, dentist,  
46 registered nurse or licensed practical nurse, as defined in section 20-

47 87a, or real estate appraiser that is used in the civil action, the  
48 reasonable expenses incurred.

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Potential Minimal Cost, Potential Minimal Cost Recovery

**Affected Agencies:** All Budgeted State Agencies

**Municipal Impact:** Potential Minimal Cost, Potential Minimal Cost Recovery

**Explanation**

**State Impact:**

The bill permits a prevailing party in a civil action to recover from the losing party the cost for recording a deposition from certain witnesses. State agencies or municipalities engaging in civil actions could experience an increase or decrease in the cost of litigation, depending upon whether or not they prevail in court. The cost is typically less than \$500 per deposition.

**OLR Bill Analysis**

sSB 1357

**AN ACT CONCERNING WITNESS FEES.****SUMMARY:**

This bill expands the costs a prevailing party in a civil action can recover from the losing party. It allows the prevailing party to recover (1) reasonable fees for dentists, physicians, chiropractors, podiatrists, natureopaths, optometrists, nurses, and real estate appraisers who provide expert testimony in a deposition and (2) the costs of recording, videotaping, transcribing, and presenting the deposition. Under current law they can recover a fee for these experts only if they testify in person.

The bill requires the court to establish reasonable fees for the testimony provided in these depositions just as it currently does for experts who appear in person. The fee, with respect to depositions, must include the reasonable expenses incurred to record, videotape, transcribe, and present the deposition in the court action or proceeding.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Related Bill***

HB 6583 (File 20), favorably reported by the Judiciary Committee, allows all civil litigants, rather than a specified few, to introduce as business entry evidence signed reports and bills of certain health care professionals without calling them to testify.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39    Nay 0