



Senate

File No. 756

General Assembly

January Session, 2001

(Reprint of File No. 431)

Substitute Senate Bill No. 1357
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 10, 2001

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2 repealed and the following is substituted in lieu thereof: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, advanced practice registered nurse or
5 licensed practical nurse, as defined in section 20-87a, or real estate
6 appraiser [is summoned to give] gives expert testimony in any action
7 or proceeding, including by means of a deposition, the court shall
8 determine a reasonable fee to be paid to the practitioner of the healing
9 arts, dentist, registered nurse, advanced practice registered nurse or
10 licensed practical nurse, as defined in section 20-87a, or real estate
11 appraiser and taxed as part of the costs in lieu of all other witness fees
12 payable to the practitioner of the healing arts, dentist, registered nurse,
13 advanced practice registered nurse or licensed practical nurse, as
14 defined in section 20-87a, or real estate appraiser.

15 Sec. 2. Subsection (b) of section 52-257 of the general statutes is

16 repealed and the following is substituted in lieu thereof:

17 (b) Parties shall also receive: (1) For each witness attending court,
18 [his] the witness' legal fee and mileage; (2) for each deposition taken
19 out of the state, forty dollars, and for each deposition within the state,
20 thirty dollars; (3) on an application for the sale of property attached,
21 the expenses incurred; (4) in any civil action affecting the title to real
22 property situated in this state, or affecting any mortgage or lien
23 thereon, the actual expense, not exceeding the sum of one hundred
24 fifty dollars, of an examination of the land records concerning the title
25 to the real property in question and such amount as the court or judge
26 determines to be reasonable for the services of an expert on the value
27 of the land when such value is in dispute; (5) for maps, plans,
28 mechanical drawings and photographs, necessary or convenient in the
29 trial of any action, a reasonable sum; (6) for copies of records used in
30 evidence, bonds, recognizances and subpoenas, court and clerk's fees;
31 (7) for the signing and service of process, the legal fees payable
32 therefor, except that a fee shall not be allowed for the return of a
33 subpoena to court; (8) the actual expense incurred in publishing orders
34 of notice under direction of the court; (9) for each interpreter
35 necessarily employed in the trial of any civil action, twenty dollars per
36 diem; (10) for premiums upon all bonds or undertakings provided
37 pursuant to statute, rule of court, order of court or stipulation of
38 parties, including bonds in lieu of or in release or dissolution of
39 attachment, the actual amount paid, not exceeding a reasonable
40 amount; [and] (11) documented investigative costs and expenses, not
41 exceeding the sum of two hundred dollars; and (12) for the recording,
42 videotaping, transcribing and presentation of the deposition of a
43 practitioner of the healing arts, as defined in section 20-1, dentist,
44 registered nurse, advanced practice registered nurse or licensed
45 practical nurse, as defined in section 20-87a, or real estate appraiser
46 that is used in lieu of live testimony in the civil action, the reasonable
47 expenses incurred.

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:

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 and Municipal 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.

House "A" added another professional category, advanced practice registered nurse, to the list of healing arts practitioners for whom the cost of witness fees may be recovered by the prevailing party in a civil action. This results in a minimal fiscal impact.

House "B" made a technical change to the bill and has no fiscal impact.

OLR Amended Bill Analysis

sSB 1357 (as amended by House "A" and "B")*

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 if it is used in lieu of live testimony. Under current law, a prevailing party 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.

*House Amendment "A" extends the bill's application to advanced practice registered nurses.

*House Amendment "B" makes a technical change.

EFFECTIVE DATE: October 1, 2001

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0