

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure
Vote: 4 - 1 - 0
Yeas: Bonamici, Boquist, Dingfelder, Prozanski
Nays: Whitsett
Exc.: 0
Prepared By: Anna Braun, Counsel
Meeting Dates: 5/26

WHAT THE MEASURE DOES: Repeals the prohibition on class actions for unlawful trade practices, Truth in Lending Act, and similar lawsuits. Applies retroactively unless a judgment was entered before the date of enactment. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon Rules of Civil Procedure (ORCP) K states that a class action lawsuit cannot be brought for the recovery of statutory minimum penalties for any class member as provided in ORS 646.638, the unlawful trade practices act, or 15 U.S.C. 1640(a), the Truth in Lending Act, or any other similar statute. HB 2585A repeals ORCP K. Oregon's unlawful trade practices act, ORS 646.638, allows recovery for actual damages or \$200, whichever is greater. The Truth in Lending Act 15 USC §1640(a) allows recovery of a minimum penalty of \$100 and a maximum penalty of \$1,000. (For credit secured by real property the limits are \$200 minimum and \$2000 maximum.)