

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: 5/11, 5/18

WHAT THE MEASURE DOES: Changes award of attorney fees from prevailing party to prevailing plaintiff in unlawful trade practices cases. Allows defendant to recover attorney fees if a court finds that plaintiff had no objectively reasonable basis for bringing the lawsuit.

ISSUES DISCUSSED:

- Examples of unlawful trade practices cases
- Oregon one of three states with prevailing party rule for consumer cases

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under the Unlawful Trade Practices Act, the Oregon Attorney General has broad powers to bring a lawsuit for actions such as employing unconscionable tactics in connection with the sale, rental or other disposition of real estate, goods or services, or in the collection or enforcement of an obligation, or in failing to deliver all or any portion of real estate, goods or services as promised. Private parties can sue for only the many actions listed in ORS 646.608 such as passing off real estate, goods or services as those of another. Current law states that a court may award reasonable attorney fees to the prevailing party. HB 3111 A limits the attorney fee award to the prevailing plaintiff unless the court finds that plaintiff had no objectively reasonable basis for bringing the action.