

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Bonamici, Dingfelder, Prozanski

Nays: Boquist, Whitsett

Exc.: 0

Prepared By: Anna Braun, Counsel

Meeting Dates: 2/24, 4/17, 4/20

WHAT THE MEASURE DOES: Increases demand limit amount of small tort actions and contract actions from \$5,500 to \$10,000. Changes required notice to defendant from 10 days to 20 days for small torts and small contracts. Adds information that a plaintiff must provide in the notice to the defendant in tort actions including medical records and property damage records if applicable. Requires plaintiff to continue to provide such information until litigation. Applies to actions filed after the effective date of the act, however, the cause of action may be before, on or after the effective date.

ISSUES DISCUSSED:

- Possible retroactivity
- Encouragement of out-of-court settlements

EFFECT OF COMMITTEE AMENDMENT: Increases small claim contract amounts from \$5,500 to \$10,000. Changes required notice to defendant from 10 days to 20 days for small torts and small contracts. Adds information that a plaintiff must provide in the notice to the defendant in tort actions including medical records and property damage records if applicable. Requires plaintiff to continue to provide such information until litigation. Applies to actions filed after the effective date of the act, however, the cause of action may be before, on or after the effective date.

BACKGROUND: ORS 20.080 allows plaintiff to recover attorney fees under small tort actions by requiring a defendant to pay plaintiff's attorney fees if the plaintiff receives a judgment greater than the amount defendant offered after receiving a formal written demand from the plaintiff. The statute is designed to encourage out-of-court settlement of small civil cases. ORS 20.082 is a similar statute for contract actions.