

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 1 - 0
Yeas:	Barton, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	Cameron
Exc.:	0
Prepared By:	Anna Braun, Counsel
Meeting Dates:	5/11, 5/26

WHAT THE MEASURE DOES: Increases demand limit amount of small tort actions from \$5,500 to \$7500 and further increases the amount to \$10,000 in 2012. Increases demand limit for small contract actions from \$5,500 to \$10,000. Changes required notice to defendant from 10 days to 30 days for small torts and to 20 days for 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 provide this documentation to insurer, if known. 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:

- Product of work group
- First instance of pre-trial discovery
- Calculation of attorney fees

EFFECT OF COMMITTEE AMENDMENT: Reduces the demand limit from \$10,000 for tort actions to \$7500. Increases the limit to \$10,000 in 2012. Requires plaintiff to give documentation to insurer, if known. Increases time to give notice to defendant in tort actions to 30 days before filing.

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.