

REVENUE: No revenue impact

FISCAL: No fiscal impact

---

Action: Do Pass  
Vote: 4 - 0 - 1  
Yeas: Bonamici, Dingfelder, Whitsett, Prozanski  
Nays: 0  
Exc.: Boquist  
Prepared By: Anna Braun, Counsel  
Meeting Dates: 4/10, 4/15

---

**WHAT THE MEASURE DOES:** Allows attorney fees for claims based on an express or implied contract regardless of whether the prevailing party was a party to the contract.

**ISSUES DISCUSSED:**

- Provisions of the measure

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** SB 745 is a response to two appellate court cases, *Dess Properties LLC v. Sheridan Truck & Heavy Equipment LLC* and *Autolend, IAP Inc. v. Auto Depot Inc* where the court found that the defendant was not allowed to recover attorney fees under ORS 20.083 and ORS 20.096 because the defendant was not party to the contract. These cases are problematic for victims of identity theft because they become the defendant in a case and do not have a contract with the plaintiff. SB 745 clarifies that attorney fees can be awarded without regard to whether the defendant is party to the contract.