

Senate Bill 306

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies law allowing award of attorney fees in small tort actions. Allows award when amount pleaded is \$10,000 or less.

A BILL FOR AN ACT

1
2 Relating to attorney fees; creating new provisions; and amending ORS 20.080.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 20.080 is amended to read:

5 20.080. (1) In any action for damages for an injury or wrong to the person or property, or both,
6 of another where the amount pleaded is [*\$5,500*] **\$10,000** or less, and the plaintiff prevails in the
7 action, there shall be taxed and allowed to the plaintiff, at trial and on appeal, a reasonable amount
8 to be fixed by the court as attorney fees for the prosecution of the action, if the court finds that
9 written demand for the payment of such claim was made on the defendant not less than 10 days
10 before the commencement of the action or the filing of a formal complaint under ORS 46.465, or not
11 more than 10 days after the transfer of the action under ORS 46.461. However, no attorney fees shall
12 be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the
13 commencement of the action or the filing of a formal complaint under ORS 46.465, or not more than
14 10 days after the transfer of the action under ORS 46.461, an amount not less than the damages
15 awarded to the plaintiff.

16 (2) If the defendant pleads a counterclaim, not to exceed [*\$5,500*] **\$10,000**, and the defendant
17 prevails in the action, there shall be taxed and allowed to the defendant, at trial and on appeal, a
18 reasonable amount to be fixed by the court as attorney fees for the prosecution of the counterclaim.

19 (3) The provisions of this section do not apply to any action based on contract.

20 **SECTION 2. The amendments to ORS 20.080 by section 1 of this 2009 Act apply only to**
21 **causes of action that arise on or after the effective date of this 2009 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.