

## SENATE AMENDMENTS TO SENATE BILL 386

By COMMITTEE ON CONSUMER PROTECTION AND PUBLIC AFFAIRS

March 30

1 On page 3 of the printed bill, delete lines 24 through 40 and insert:

2 “**SECTION 2.** ORS 646.641 is amended to read:

3 “646.641. (1) **As used in this section:**

4 “(a) **‘Debt collector’ has the meaning given that term in ORS 646.639.**

5 “(b) **‘Debtor’ has the meaning given that term in ORS 646.639.**

6 “[1] (2) [Any] **A** person injured as a result of a **debt collector’s** willful use or employment  
7 [by another person] of an unlawful collection practice may bring an action in an appropriate court  
8 to enjoin the practice or to recover actual damages or \$200, whichever is greater. The court or the  
9 jury may award punitive damages, and the court may provide such equitable relief as [it] **the court**  
10 deems necessary or proper.

11 “[2] (3) In [any] **an** action brought [by a person] under this section, the court may award a  
12 **prevailing debtor** reasonable attorney fees [to the prevailing party.], **costs and expenses. If a**  
13 **court finds that a debtor brought an action under this section in bad faith or solely for the**  
14 **purposes of harassment, the court may award a prevailing debt collector reasonable attorney**  
15 **fees.**

16 “[3] (4) Actions brought under this section [shall] **must** be commenced within one year from  
17 the date of the injury.”.

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