

**SENATE AMENDMENTS TO  
SENATE BILL 794**

By COMMITTEE ON JUDICIARY

April 30

1       On page 3 of the printed bill, line 14, after the period insert “The offer of compromise must in-  
2       dicate whether the offer includes any amount for expenses, attorney fees or other costs and, if so,  
3       the amounts included for expenses, attorney fees and other costs.”.

4       Delete lines 19 through 25 and insert:

5       “(2) Unless an offer of compromise under this section specifically includes amounts for expenses,  
6       attorney fees and other costs, upon acceptance of the offer the court shall give judgment to the  
7       defendant for the amount of the offer and, in addition, for the costs and disbursements, attorney fees  
8       and expenses as defined in ORS 35.335 that are determined by the court to have been incurred be-  
9       fore the date of the offer.

10       “(3) If an offer of compromise is not accepted within the time allowed by subsection (1) of this  
11       section, the offer is withdrawn and may not be given in evidence at trial. If the defendant fails to  
12       obtain a judgment more favorable than the offer:

13       “(a) The defendant may not recover prevailing party fees or costs and disbursements, attorney  
14       fees or expenses as defined in ORS 35.335 that were incurred on or after the date of the offer;

15       “(b) Unless the parties agree otherwise, the court shall give judgment to the defendant for costs  
16       and disbursements, attorney fees and expenses as defined in ORS 35.335 that were incurred before  
17       the date of the offer; and

18       “(c) The court shall give judgment to the condemner for the condemner’s costs and disburse-  
19       ments, other than prevailing party fees, incurred by the condemner after service of the offer.

20       “(4) For the purpose of determining whether the defendant has failed to obtain a judgment more  
21       favorable than an offer of compromise under this section, the court shall disregard all amounts  
22       identified in the offer as expenses, attorney fees or other costs.”.

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