

Enrolled
Senate Bill 592

Sponsored by Senator ATKINSON; Representative GARRETT

CHAPTER

AN ACT

Relating to attorney fees; creating new provisions; and amending ORS 19.440.

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

SECTION 1. ORS 19.440 is amended to read:

19.440. *[Any statute law of this state that authorizes or requires the award or allowance of attorney fees to a party in a civil action or proceeding, but does not expressly authorize or require that award or allowance on an appeal in the action or proceeding and does not expressly prohibit that award or allowance on an appeal, shall be construed as authorizing or requiring that award or allowance on an appeal in the action or proceeding.]*

(1) If a statute of this state authorizes or requires an award of attorney fees to a party to a proceeding, but does not expressly authorize or require that award on appeal, judicial review or other appellate review of the decision in the proceeding, and does not expressly prohibit that award on an appeal, judicial review or other appellate review, the statute shall be construed as authorizing or requiring the award of attorney fees on appeal, judicial review or other appellate review of the decision in the proceeding, including any denial of a petition for review by the Supreme Court in the proceeding.

(2) If a statute of this state authorizes or requires an award of attorney fees to a party to a proceeding, but does not expressly authorize or require an award of attorney fees in a mandamus proceeding arising out of the original proceeding, the statute shall be construed as authorizing or requiring the award of attorney fees in the mandamus proceeding.

(3) The provisions of this section apply to statutes that authorize or require the award of attorney fees in administrative proceedings in addition to statutes that authorize or require the award of attorney fees in civil proceedings in courts.

SECTION 2. The amendments to ORS 19.440 by section 1 of this 2011 Act apply only to judicial review proceedings commenced on or after the effective date of this 2011 Act.

Passed by Senate March 17, 2011

Repassed by Senate June 10, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 7, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State