

# Senate Bill 819

Sponsored by Senator MORSE

## 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**.

Prohibits recording of notice of pending action for inverse condemnation action.

Provides that upon violation of prohibition, court must award plaintiff \$5,000, or three times damages suffered by plaintiff by reason of recording, whichever amount is greater. Requires award of attorney fees and costs incurred by plaintiff that are attributable to recording.

Applies to inverse condemnation actions commenced on or after January 1, 2008.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1 Relating to notices of pending actions; and declaring an emergency.

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

3 **SECTION 1. (1) A notice of pending action under ORS 93.740 may not be recorded for any**  
4 **inverse condemnation action that is brought by the owner of property or by a person claim-**  
5 **ing an interest in property.**

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7 **(2) If a party to an inverse condemnation action records a notice of pending action in**  
8 **violation of this section, the court shall:**

9 **(a) Award the plaintiff in the action \$5,000, or three times the damages suffered by the**  
10 **plaintiff by reason of the recording, whichever amount is greater; and**

11 **(b) Award the plaintiff all attorney fees and costs incurred by the plaintiff that are at-**  
12 **tributable to the recording.**

13 **(3) Any award under subsection (2) of this section is not affected by a transfer of the**  
14 **property or interest in the property by the plaintiff.**

15 **SECTION 2. Section 1 of this 2011 Act applies to any inverse condemnation action com-**  
16 **menced on or after January 1, 2008.**

17 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**  
18 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
19 **on its passage.**

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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.