



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

February 21, 2014

Representative Jennifer Williamson
900 Court Street NE H372
Salem OR 97301

Re: Prospective application of A-engrossed House Bill 4143

Dear Representative Williamson:

You asked whether A-engrossed House Bill 4143 is retroactive. The answer is no.

The applicability clause in HB 4143-A is found in section 5 of the bill. It provides:

SECTION 5. Section 3 of this 2014 Act and the amendments to ORCP 32 F and 32 L by sections 1 and 2 of this 2014 Act apply only to class actions in which a judgment has not been entered before the effective date of this 2014 Act.

Thus, the bill does not apply at all to a class action in which a judgment has been entered. The bill does apply to future proceedings in a pending class action in which a judgment has not been entered. However, because the bill affects only the form of the judgment in a class action and the process for payment of damages approved as part of a judgment or settlement, the bill would not require a court to change any decisions in a pending case that were made before passage of the bill. Therefore, the bill applies prospectively.

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Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel

By
Marisa N. James
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