

# Senate Bill 738

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

Corrects inaccurate reference to definition.

### A BILL FOR AN ACT

Relating to civil proceedings; amending ORS 30.138.

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

**SECTION 1.** ORS 30.138 is amended to read:

30.138. (1) In addition to any other remedy payable to a servicemember for the enforcement of a right under 50 U.S.C. App. 501 et seq., a court shall award a servicemember reasonable attorney fees and the amounts specified in subsection (2) of this section if the court finds that written demand as described in subsection (3) of this section was mailed to the opposing party demanding relief under 50 U.S.C. App. 501 et seq., and the opposing party failed to remedy the violation of 50 U.S.C. App. 501 et seq. within 30 days after the mailing of the demand.

(2) If a court finds that notice was mailed as required by this section, and the opposing party failed to remedy the violation of 50 U.S.C. App. 501 et seq. within the time allowed, the court shall award the servicemember:

(a) The greater of \$1,000 or actual damages, including damages for emotional distress; or

(b) If the court finds that the opposing party's conduct was willful, as [*described*] **defined** in ORS 646.605, the court shall award the servicemember the greater of \$5,000, or three times the amount of actual damages, including damages for emotional distress.

(3) A written demand under subsection (1) of this section must be sent by certified mail, return receipt requested. The demand must include the servicemember's name and address, the date on which the servicemember went on active duty and a description of the alleged violation of 50 U.S.C. App. 501 et seq.

**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.