

SB 113 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/7, 4/3

WHAT THE MEASURE DOES:

Allows a court, in retail customer action against vehicle dealer for vehicle dealer fraud, misrepresentation, or violation of vehicle code, to award reasonable attorney fees to prevailing plaintiff. Requires court find plaintiff is a retail customer, a written demand was made on defendant not less than 30 days before commencement of action, and defendant failed to comply or provide remedy within 30 days of receiving demand.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Allows attorney fee awards in actions for vehicle registration or vehicle titling. Changes time for commencing action and providing cure from 30 days to 60 days.

-2 Exempts award of attorney fees from actions for vehicle permits, transfer or alteration of vehicles, and regulation of vehicle dealers. Changes time for commencing action and providing cure from 30 days to 60 days.

BACKGROUND:

Oregon Revised State 822.030 provides a right for a person to bring an action against a vehicle dealer and against the surety on the vehicle dealer's bond when a person suffers any loss or damage resulting from a dealer's fraud, fraudulent representations, or violations of the vehicle code relating to vehicle registration, permits, transfer or alterations of vehicles, or regulation of dealers.

Senate Bill 113 allows a court to award reasonable attorney fees to a prevailing plaintiff in an action against the vehicle dealer if the customer made a written demand of the defendant not less than 30 days before commencing an action seeking compliance or other remedy, and the defendant failed to comply or provide the remedy within 30 days of the written demand.