

Senate Bill 819

Sponsored by COMMITTEE ON HOUSING (at the request of Bill Perry)

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**.

Permits dealer, or association or corporation of which members or shareholders are dealers and that is acting on association's or corporation's behalf or on behalf of dealer that is member or shareholder of association or corporation, to bring action as plaintiff to enjoin manufacturer, distributor or importer from threatening or engaging in prohibited conduct. Permits court to increase damages award amount to not more than three times plaintiff's actual damages if court finds that manufacturer, distributor or importer engaged in prohibited conduct willfully.

Requires plaintiff to bring action within two years after date of plaintiff's injury.

A BILL FOR AN ACT

1
2 Relating to actions by motor vehicle dealerships; amending ORS 650.170.

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

4 **SECTION 1.** ORS 650.170 is amended to read:

5 650.170. [(1) *Any dealer injured, or threatened with injury, by a manufacturer, distributor or*
6 *importer as a result of a violation of ORS 650.120 to 650.170 may sue to enjoin such illegal, or*
7 *threatened illegal conduct.*]

8 [(2) *The court, in an action brought under ORS 650.120 to 650.170, may award damages to a dealer*
9 *who demonstrates an actual loss of money as a result of illegal conduct by a manufacturer, distributor*
10 *or importer.*]

11 [(3) *Any action for damages under ORS 650.120 to 650.170 shall be brought within two years of*
12 *the injury. In any action brought under ORS 650.120 to 650.170, the court may award reasonable at-*
13 *torney fees and costs to the prevailing party.*]

14 **(1) A dealer, or an association or corporation of which the members or shareholders are**
15 **dealers and that is acting on the association's or corporation's behalf or on behalf of a dealer**
16 **that is a member or shareholder of the association or corporation, may bring an action as**
17 **a plaintiff to enjoin a manufacturer, distributor or importer from threatening or engaging**
18 **in a violation of ORS 650.120 to 650.170.**

19 **(2) A court may award actual damages to the plaintiff in an action described in sub-**
20 **section (1) of this section. If the court finds that a defendant manufacturer, distributor or**
21 **importer willfully violated ORS 650.120 to 650.170, the court may increase the amount of the**
22 **award to not more than three times the amount of the plaintiff's actual damages. The court**
23 **may award reasonable attorney fees and costs to the prevailing party in the action.**

24 **(3) A plaintiff must bring an action described in subsection (1) of this section within two**
25 **years after the date of the plaintiff's injury.**

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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.