

# A-Engrossed House Bill 4107

Ordered by the House February 17  
Including House Amendments dated February 17

Sponsored by Representative BYNUM, Senator FREDERICK, Representatives ALONSO LEON, PILUSO, Senator MANNING JR; Representatives BARKER, CLEM, DOHERTY, GOMBERG, GORSEK, GREENLICK, HELM, HERNANDEZ, HOLVEY, KENY-GUYER, LAWRENCE SPENCE, LIVELY, MARSH, MCKEOWN, MCLAIN, MEEK, MITCHELL, NATHANSON, NERON, NOSSE, POWER, PRUSAK, RAYFIELD, SALINAS, SANCHEZ, SCHOUTEN, SMITH WARNER, SOLLMAN, WILDE, WILLIAMS, WITT, Senators BEYER, DEMBROW, GELSER, KNOPP, PROZANSKI, ROBLAN, STEINER HAYWARD, TAYLOR, WAGNER (Pre-session filed.)

## 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.

Makes unlawful practice for place of public accommodation to refuse to accept United States coins or currency as payment for goods and services. Creates limited exceptions. Allows person to file complaint with Commissioner of Bureau of Labor and Industries [*and civil action*] alleging unlawful practice against operator or person acting on behalf of place of public accommodation. **Becomes operative on July 1, 2021. Allows person to bring civil action alleging unlawful practice against operator or person acting on behalf of place of public accommodation. Becomes operative on January 1, 2022.**

Limits authority of school district to become member of voluntary organization that administers interscholastic activities unless organization implements policy that prohibits discrimination based on race, color or national origin.

Clarifies meaning of race to include natural hair, hair texture, hair type and protective hairstyles for purposes of prohibited discrimination under antidiscrimination statutes.

Clarifies that valid dress code or policy may not have disproportionate adverse impact on members of protected class [*to extent that is greater than impact on persons generally*].

## A BILL FOR AN ACT

1  
2 Relating to discrimination; creating new provisions; and amending ORS 332.075, 659.850, 659A.001,  
3 659A.030 and 659A.885.

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

## 6 PROTECTION AGAINST PAYMENT DISCRIMINATION

7  
8 **SECTION 1. (1) Except as provided in subsection (2) of this section, it is an unlawful**  
9 **practice for a place of public accommodation, as defined in ORS 659A.400, offering goods or**  
10 **services, or any person acting on behalf of such place, to:**

11 **(a) Refuse to accept from a customer or patron United States coins and currency, in-**  
12 **cluding federal reserve bank notes and circulating notes of federal reserve banks and na-**  
13 **tional banks, as payment for goods and services.**

14 **(b) Make any distinction, discrimination or restriction because a customer or patron of-**  
15 **fers United States coins and currency, including federal reserve bank notes and circulating**  
16 **notes of federal reserve banks and national banks, as payment for goods and services.**

17 **(2) Notwithstanding subsection (1) of this section, a place of public accommodation, or**  
18 **any person acting on behalf of such place, may refuse to accept as payment for goods and**

**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.

1 **services:**

2 (a) United States coins, in any combination, in an amount equal to or greater than \$100;

3 **or**

4 (b) United States currency in denominations of \$50 or \$100.

5 (3) This section does not apply to:

6 (a) A place of public accommodation that is owned or maintained by a public body, as  
7 defined in ORS 174.109;

8 (b) Any service to the public, other than public transportation services, that is provided  
9 by a public body, as defined in ORS 174.109;

10 (c) Farmers' markets or roadside stands;

11 (d) Transactions occurring on aircraft;

12 (e) Transactions for goods or services involving a place or service offering goods, ser-  
13 vices, transient lodging or transportation, when the transaction or a portion of the trans-  
14 action requires a customer or patron to deposit moneys or sign an agreement to rent or  
15 lease consumer goods;

16 (f) Any establishment that is owned by or operated under the control of the United States  
17 Government or an agency of the United States;

18 (g) Retail transactions that occur entirely over the telephone or by mail;

19 (h) Internet-based transactions;

20 (i) The purchase of Class 1 flammable liquids, as defined in ORS 480.310, at a filling sta-  
21 tion, service station, garage or other dispensary where Class 1 flammable liquids are dis-  
22 pensed;

23 (j) Electric vehicle charging stations;

24 (k) Transactions that occur in a micro market, including purchases from a vending ma-  
25 chine;

26 (L) Purchases from a vending machine unless the vending machine is located within a  
27 concentration or cluster of more than eight vending machines that do not accept coins or  
28 currency as payment for purchases;

29 (m) Transactions involving the sale of products for which a license is required by ORS  
30 744.053; or

31 (n) A place of public accommodation that provides hospital or medical services and that  
32 bills or invoices a person after such services are rendered, provided that the place of public  
33 accommodation accepts coins and currency as payment for the bill or invoice by mail or at  
34 a designated location other than the location where the services are rendered.

35 (4) Nothing in this section may be construed to prohibit, restrict, or otherwise interfere  
36 with the ability of a place of public accommodation to:

37 (a) Accept, in addition to the forms of payment described under subsection (1) of this  
38 section, as payment for goods or services, any other form of payment provided that such  
39 payment is not prohibited under federal or state law;

40 (b) After services are rendered, invoice or bill a customer or patron, or submit a claim  
41 to a third party to receive payment for the services; or

42 (c) Offer a customer or patron an incentive for paying for goods or services in coin or  
43 currency.

44 (5) A person who alleges a violation of subsection (1) of this section may file a complaint  
45 with the Commissioner of the Bureau of Labor and Industries in the manner provided by

1 **ORS 659A.820.**

2 (6) **As used in this section:**

3 (a) **“Consumer goods” has the meaning given that term in ORS 79.0102.**

4 (b)(A) **“Internet-based transaction” means a transaction that occurs over the Internet**  
5 **and that involves a sale, purchase or reservation of or deposit for goods or services to be**  
6 **picked up by, delivered to or consumed by a customer or patron.**

7 (B) **“Internet-based transaction” does not mean an in-person transaction.**

8 (c) **“Micro market” means an unattended retail establishment to which access by the**  
9 **general public is restricted that offers whole or fresh-cut fruit and vegetables, packaged**  
10 **foods or beverages for purchase through an automated payment processing system.**

11 (d) **“Transient lodging” has the meaning given that term in ORS 699.005.**

12 (e) **“Vending machine” has the meaning given that term in ORS 624.310.**

13 **SECTION 1a.** Section 1 of this 2020 Act is amended to read:

14 **Sec. 1.** (1) Except as provided in subsection (2) of this section, it is an unlawful practice for a  
15 place of public accommodation, as defined in ORS 659A.400, offering goods or services, or any person  
16 acting on behalf of such place, to:

17 (a) Refuse to accept from a customer or patron United States coins and currency, including  
18 federal reserve bank notes and circulating notes of federal reserve banks and national banks, as  
19 payment for goods and services.

20 (b) Make any distinction, discrimination or restriction because a customer or patron offers  
21 United States coins and currency, including federal reserve bank notes and circulating notes of  
22 federal reserve banks and national banks, as payment for goods and services.

23 (2) Notwithstanding subsection (1) of this section, a place of public accommodation, or any per-  
24 son acting on behalf of such place, may refuse to accept as payment for goods and services:

25 (a) United States coins, in any combination, in an amount equal to or greater than \$100; or

26 (b) United States currency in denominations of \$50 or \$100.

27 (3) This section does not apply to:

28 (a) A place of public accommodation that is owned or maintained by a public body, as defined  
29 in ORS 174.109;

30 (b) Any service to the public, other than public transportation services, that is provided by a  
31 public body, as defined in ORS 174.109;

32 (c) Farmers’ markets or roadside stands;

33 (d) Transactions occurring on aircraft;

34 (e) Transactions for goods or services involving a place or service offering goods, services,  
35 transient lodging or transportation, when the transaction or a portion of the transaction requires  
36 a customer or patron to deposit moneys or sign an agreement to rent or lease consumer goods;

37 (f) Any establishment that is owned by or operated under the control of the United States  
38 Government or an agency of the United States;

39 (g) Retail transactions that occur entirely over the telephone or by mail;

40 (h) Internet-based transactions;

41 (i) The purchase of Class 1 flammable liquids, as defined in ORS 480.310, at a filling station,  
42 service station, garage or other dispensary where Class 1 flammable liquids are dispensed;

43 (j) Electric vehicle charging stations;

44 (k) Transactions that occur in a micro market, including purchases from a vending machine;

45 (L) Purchases from a vending machine unless the vending machine is located within a concen-

1 tration or cluster of more than eight vending machines that do not accept coins or currency as  
2 payment for purchases;

3 (m) Transactions involving the sale of products for which a license is required by ORS 744.053;  
4 or

5 (n) A place of public accommodation that provides hospital or medical services and that bills  
6 or invoices a person after such services are rendered, provided that the place of public accommo-  
7 dation accepts coins and currency as payment for the bill or invoice by mail or at a designated lo-  
8 cation other than the location where the services are rendered.

9 (4) Nothing in this section may be construed to prohibit, restrict, or otherwise interfere with the  
10 ability of a place of public accommodation to:

11 (a) Accept, in addition to the forms of payment described under subsection (1) of this section,  
12 as payment for goods or services, any other form of payment provided that such payment is not  
13 prohibited under federal or state law;

14 (b) After services are rendered, invoice or bill a customer or patron, or submit a claim to a third  
15 party to receive payment for the services; or

16 (c) Offer a customer or patron an incentive for paying for goods or services in coin or currency.

17 (5) A person who alleges a violation of subsection (1) of this section **may bring a civil action**  
18 **under ORS 659A.885 or** may file a complaint with the Commissioner of the Bureau of Labor and  
19 Industries in the manner provided by ORS 659A.820.

20 (6) As used in this section:

21 (a) "Consumer goods" has the meaning given that term in ORS 79.0102.

22 (b)(A) "Internet-based transaction" means a transaction that occurs over the Internet and that  
23 involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, de-  
24 livered to or consumed by a customer or patron.

25 (B) "Internet-based transaction" does not mean an in-person transaction.

26 (c) "Micro market" means an unattended retail establishment to which access by the general  
27 public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages  
28 for purchase through an automated payment processing system.

29 (d) "Transient lodging" has the meaning given that term in ORS 699.005.

30 (e) "Vending machine" has the meaning given that term in ORS 624.310.

31  
32 **PROTECTION AGAINST HAIR DISCRIMINATION**

33  
34 **SECTION 2.** ORS 332.075 is amended to read:

35 332.075. (1) Any district school board may:

36 (a) Fix the days of the year and the hours of the day when schools shall be in session.

37 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141  
38 and courses of study for the use of such schools as provided in ORS 336.035.

39 (c) Authorize the use of the schools for purposes of training students of an approved educator  
40 preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts  
41 with the approved educator preparation provider on such terms as may be agreed upon. Such con-  
42 tracts as they relate to student teachers shall have the same effect and be subject to the same  
43 regulations as a contract between a licensed teacher and a district school board.

44 (d) Develop and operate with other school districts or community college districts secondary  
45 career and technical education programs for pupils of more than one district and fix by agreement

1 the duration of the district's obligation to continue such activity, subject to the availability of funds  
2 therefor.

3 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-  
4 ganization that administers interscholastic activities or that facilitates the scheduling and pro-  
5 gramming of interscholastic activities only if the organization:

6 (A) Implements policies that:

7 (i) Address the use of derogatory or inappropriate names, insults, verbal assaults, profanity or  
8 ridicule that occurs at an interscholastic activity, including by spectators of the interscholastic ac-  
9 tivity; **and**

10 **(ii) Prohibit discrimination based on race, color or national origin;**

11 (B) Maintains a transparent complaint process that:

12 (i) Has a reporting system to allow participants of interscholastic activities or members of the  
13 public to make complaints about student, coach or spectator behavior;

14 (ii) Responds to a complaint made under sub-subparagraph (i) of this subparagraph within 48  
15 hours of the complaint being received; and

16 (iii) Strives to resolve a complaint received under sub-subparagraph (i) of this subparagraph  
17 within 30 days of the complaint being received;

18 (C) Develops and implements a system of sanctions against schools, students, coaches and spec-  
19 tators if a complaint made under subparagraph (B) of this paragraph is verified; and

20 (D) Performs an annual survey of students and their parents to understand and respond to po-  
21 tential violations of policies adopted under subparagraph (A) of this paragraph or violations of ORS  
22 659.850.

23 (f) Accept money or property donated for the use or benefit of the school district and, consistent  
24 with the laws of this state, use such money or property for the purpose for which it was donated.

25 (g) Enter into an approved written agreement with the governing body of a federally recognized  
26 Native American tribe in Oregon to allow the use of a mascot that represents, is associated with  
27 or is significant to the Native American tribe entering into the agreement. An agreement entered  
28 into under this paragraph must:

29 (A) Describe the acceptable uses of the mascot;

30 (B) Comply with rules adopted by the State Board of Education that:

31 (i) Are adopted after consultation with the federally recognized tribes in Oregon pursuant to  
32 ORS 182.164 (3); and

33 (ii) Prescribe the requirements for approval; and

34 (C) Be approved by the State Board of Education, which the board must provide if the agreement  
35 meets the requirements of this paragraph and the rules adopted under this paragraph.

36 (2) All contracts of the school district must be approved by the district school board before an  
37 order can be drawn for payment. If a contract is made without the authority of the district school  
38 board, the individual making such contract shall be personally liable.

39 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or  
40 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-  
41 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are  
42 within appropriations made by the district school board pursuant to ORS 294.456. A district school  
43 board may not authorize its superintendent or the superintendent's designee under this subsection  
44 to enter into and approve payment on contracts that are collective bargaining agreements or service  
45 contracts that include the provision of labor performed by employees of the school district.

1       **(4) As used in this section, “race” includes physical characteristics that are historically**  
2 **associated with race, including but not limited to natural hair, hair texture, hair type and**  
3 **protective hairstyles as defined in ORS 659A.001.**

4       **SECTION 3.** ORS 659.850 is amended to read:

5       659.850. (1) As used in this section[,]:

6       **(a)(A)** “Discrimination” means any act that unreasonably differentiates treatment, intended or  
7 unintended, or any act that is fair in form but discriminatory in operation, either of which is based  
8 on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability.

9       **(B)** “Discrimination” does not include enforcement of an otherwise valid dress code or policy,  
10 as long as the code or policy:

11       **(i)** Provides, on a case-by-case basis, for reasonable accommodation of an individual based on the  
12 health and safety needs of the individual; **and**

13       **(ii) Does not have a disproportionate adverse impact on members of a protected class.**

14       **(b) “Race” includes physical characteristics that are historically associated with race,**  
15 **including but not limited to natural hair, hair texture, hair type and protective hairstyles**  
16 **as defined in ORS 659A.001.**

17       (2) A person may not be subjected to discrimination in any public elementary, secondary or  
18 community college education program or service, school or interschool activity or in any higher  
19 education program or service, school or interschool activity where the program, service, school or  
20 activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

21       (3) The State Board of Education and the Higher Education Coordinating Commission shall es-  
22 tablish rules necessary to ensure compliance with subsection (2) of this section in the manner re-  
23 quired by ORS chapter 183.

24       **SECTION 4.** ORS 659A.001 is amended to read:

25       659A.001. As used in this chapter:

26       (1) “Bureau” means the Bureau of Labor and Industries.

27       (2) “Commissioner” means the Commissioner of the Bureau of Labor and Industries.

28       (3) “Employee” does not include any individual employed by the individual’s parents, spouse or  
29 child or in the domestic service of any person.

30       (4)(a) “Employer” means any person who in this state, directly or through an agent, engages or  
31 uses the personal service of one or more employees, reserving the right to control the means by  
32 which such service is or will be performed.

33       (b) For the purposes of employee protections described in ORS 659A.350, “employer” means any  
34 person who, in this state, is in an employment relationship with an intern as described in ORS  
35 659A.350.

36       (5) “Employment agency” includes any person undertaking to procure employees or opportu-  
37 nities to work.

38       (6)(a) “Familial status” means the relationship between one or more individuals who have not  
39 attained 18 years of age and who are domiciled with:

40       (A) A parent or another person having legal custody of the individual; or

41       (B) The designee of the parent or other person having such custody, with the written permission  
42 of the parent or other person.

43       (b) “Familial status” includes any individual, regardless of age or domicile, who is pregnant or  
44 is in the process of securing legal custody of an individual who has not attained 18 years of age.

45       (7) “Labor organization” includes any organization which is constituted for the purpose, in

1 whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms  
2 or conditions of employment or of other mutual aid or protection in connection with employees.

3 (8) "National origin" includes ancestry.

4 (9) "Person" includes:

5 (a) One or more individuals, partnerships, associations, labor organizations, limited liability  
6 companies, joint stock companies, corporations, legal representatives, trustees, trustees in bank-  
7 ruptcy or receivers.

8 (b) A public body as defined in ORS 30.260.

9 (c) For purposes of ORS 659A.145 and 659A.421 and the application of any federal housing law,  
10 a fiduciary, mutual company, trust or unincorporated organization.

11 **(10) "Protective hairstyle" means a hairstyle, hair color or manner of wearing hair that**  
12 **includes, but is not limited to, braids, regardless of whether the braids are created with ex-**  
13 **tensions or styled with adornments, locs and twists.**

14 **(11) "Race" includes physical characteristics that are historically associated with race,**  
15 **including but not limited to natural hair, hair texture, hair type and protective hairstyles.**

16 [(10)] (12) "Respondent" means any person against whom a complaint or charge of an unlawful  
17 practice is filed with the commissioner or whose name has been added to such complaint or charge  
18 pursuant to ORS 659A.835.

19 [(11)] (13) "Unlawful employment practice" means a practice specifically denominated as an un-  
20 lawful employment practice in this chapter. "Unlawful employment practice" includes a practice that  
21 is specifically denominated in another statute of this state as an unlawful employment practice and  
22 that is specifically made subject to enforcement under this chapter.

23 [(12)] (14) "Unlawful practice" means any unlawful employment practice or any other practice  
24 specifically denominated as an unlawful practice in this chapter. "Unlawful practice" includes a  
25 practice that is specifically denominated in another statute of this state as an unlawful practice and  
26 that is specifically made subject to enforcement under this chapter, or a practice that violates a rule  
27 adopted by the commissioner for the enforcement of the provisions of this chapter.

28 **SECTION 5.** ORS 659A.030 is amended to read:

29 659A.030. (1) It is an unlawful employment practice:

30 (a) For an employer, because of an individual's race, color, religion, sex, sexual orientation, na-  
31 tional origin, marital status or age if the individual is 18 years of age or older, or because of the  
32 race, color, religion, sex, sexual orientation, national origin, marital status or age of any other  
33 person with whom the individual associates, or because of an individual's juvenile record that has  
34 been expunged pursuant to ORS 419A.260 and 419A.262, to refuse to hire or employ the individual  
35 or to bar or discharge the individual from employment. However, discrimination is not an unlawful  
36 employment practice if the discrimination results from a bona fide occupational qualification rea-  
37 sonably necessary to the normal operation of the employer's business.

38 (b) For an employer, because of an individual's race, color, religion, sex, sexual orientation, na-  
39 tional origin, marital status or age if the individual is 18 years of age or older, or because of the  
40 race, color, religion, sex, sexual orientation, national origin, marital status or age of any other  
41 person with whom the individual associates, or because of an individual's juvenile record that has  
42 been expunged pursuant to ORS 419A.260 and 419A.262, to discriminate against the individual in  
43 compensation or in terms, conditions or privileges of employment.

44 (c) For a labor organization, because of an individual's race, color, religion, sex, sexual orien-  
45 tation, national origin, marital status or age if the individual is 18 years of age or older, or because

1 of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262,  
2 to exclude or to expel from its membership the individual or to discriminate in any way against the  
3 individual or any other person.

4 (d) For any employer or employment agency to print or circulate or cause to be printed or cir-  
5 culated any statement, advertisement or publication, or to use any form of application for employ-  
6 ment or to make any inquiry in connection with prospective employment that expresses directly or  
7 indirectly any limitation, specification or discrimination as to an individual's race, color, religion,  
8 sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or  
9 older, or on the basis of an expunged juvenile record, or any intent to make any such limitation,  
10 specification or discrimination, unless based upon a bona fide occupational qualification. Identifica-  
11 tion of prospective employees according to race, color, religion, sex, sexual orientation, national  
12 origin, marital status or age does not violate this section unless the Commissioner of the Bureau  
13 of Labor and Industries, after a hearing conducted pursuant to ORS 659A.805, determines that the  
14 designation expresses an intent to limit, specify or discriminate on the basis of race, color, religion,  
15 sex, sexual orientation, national origin, marital status or age.

16 (e) For an employment agency, because of an individual's race, color, religion, sex, sexual ori-  
17 entation, national origin, marital status or age if the individual is 18 years of age or older, or be-  
18 cause of the race, color, religion, sex, sexual orientation, national origin, marital status or age of  
19 any other person with whom the individual associates, or because of an individual's juvenile record  
20 that has been expunged pursuant to ORS 419A.260 and 419A.262, to classify or refer for employment,  
21 or to fail or refuse to refer for employment, or otherwise to discriminate against the individual.  
22 However, it is not an unlawful employment practice for an employment agency to classify or refer  
23 for employment an individual when the classification or referral results from a bona fide occupa-  
24 tional qualification reasonably necessary to the normal operation of the employer's business.

25 (f) For any person to discharge, expel or otherwise discriminate against any other person be-  
26 cause that other person has opposed any unlawful practice, or because that other person has filed  
27 a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so.

28 (g) For any person, whether an employer or an employee, to aid, abet, incite, compel or coerce  
29 the doing of any of the acts forbidden under this chapter or to attempt to do so.

30 (2) The provisions of this section apply to an apprentice under ORS 660.002 to 660.210, but the  
31 selection of an apprentice on the basis of the ability to complete the required apprenticeship train-  
32 ing before attaining the age of 70 years is not an unlawful employment practice. The commissioner  
33 shall administer this section with respect to apprentices under ORS 660.002 to 660.210 equally with  
34 regard to all employees and labor organizations.

35 (3) The compulsory retirement of employees required by law at any age is not an unlawful em-  
36 ployment practice if lawful under federal law.

37 (4)(a) It is not an unlawful employment practice for an employer or labor organization to provide  
38 or make financial provision for child care services of a custodial or other nature to its employees  
39 or members who are responsible for a minor child.

40 (b) As used in this subsection, "responsible for a minor child" means having custody or legal  
41 guardianship of a minor child or acting in loco parentis to the child.

42 (5) This section does not prohibit an employer from enforcing an otherwise valid dress code or  
43 policy, as long as the employer provides, on a case-by-case basis, for reasonable accommodation of  
44 an individual based on the health and safety needs of the individual **and the dress code or policy**  
45 **does not have a disproportionate adverse impact on members of a protected class to a**

1 **greater extent than the policy impacts persons generally.**

2  
3 **PENALTIES**

4  
5 **SECTION 6.** ORS 659A.885 is amended to read:

6 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
7 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
8 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
9 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
10 court may order back pay in an action under this subsection only for the two-year period imme-  
11 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
12 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
13 year period immediately preceding the filing of the action. In any action under this subsection, the  
14 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
15 cept as provided in subsection (3) of this section:

16 (a) The judge shall determine the facts in an action under this subsection; and

17 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
18 review the judgment pursuant to the standard established by ORS 19.415 (3).

19 (2) An action may be brought under subsection (1) of this section alleging a violation of:

20 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 475B.281, 476.574, 652.020,  
21 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030,  
22 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145,  
23 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230,  
24 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309,  
25 659A.315, 659A.318, 659A.343, 659A.355 or 659A.421 **or section 1 of this 2020 Act**; or

26 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

27 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
28 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,  
29 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,  
30 659A.290, 659A.318, 659A.355 or 659A.421:

31 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
32 compensatory damages or \$200, whichever is greater, and punitive damages;

33 (b) At the request of any party, the action shall be tried to a jury;

34 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
35 ment pursuant to the standard established by ORS 19.415 (1); and

36 (d) Any attorney fee agreement shall be subject to approval by the court.

37 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
38 olation of ORS 652.220, the court may award punitive damages if:

39 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
40 with malice or acted with willful and wanton misconduct; or

41 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
42 659A.850 for a violation of ORS 652.220.

43 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
44 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
45 tion, compensatory damages or \$200, whichever is greater.

1 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
2 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
3 section, compensatory damages or \$250, whichever is greater.

4 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
5 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
6 penalty in the amount of \$720.

7 (8) Any individual against whom any distinction, discrimination or restriction on account of  
8 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
9 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
10 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
11 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
12 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
13 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-  
14 section:

15 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
16 compensatory and punitive damages;

17 (b) The operator or manager of the place of public accommodation, the employee or person  
18 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
19 damages awarded in the action;

20 (c) At the request of any party, the action shall be tried to a jury;

21 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

22 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
23 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
24 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
25 and

26 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
27 judgment pursuant to the standard established by ORS 19.415 (1).

28 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
29 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
30 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
31 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
32 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
33 manner as a person or group of persons may file a civil action under this section. In a civil action  
34 filed under this subsection, the court may assess against the respondent, in addition to the relief  
35 authorized under subsections (1) and (3) of this section, a civil penalty:

36 (a) In an amount not exceeding \$50,000 for a first violation; and

37 (b) In an amount not exceeding \$100,000 for any subsequent violation.

38 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
39 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
40 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
41 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
42 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
43 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
44 appealing an adverse decision of the trial court.

45 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145

1 or 659A.421 or discrimination under federal housing law:

2 (a) "Aggrieved person" includes a person who believes that the person:

3 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

4 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
5 occur.

6 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
7 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
8 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
9 party costs and reasonable attorney fees at trial and on appeal.

10 **SECTION 7.** ORS 659A.885, as amended by section 7, chapter 343, Oregon Laws 2019, and sec-  
11 tion 7, chapter 463, Oregon Laws 2019, is amended to read:

12 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
13 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
14 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
15 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
16 court may order back pay in an action under this subsection only for the two-year period imme-  
17 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
18 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
19 year period immediately preceding the filing of the action. In any action under this subsection, the  
20 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
21 cept as provided in subsection (3) of this section:

22 (a) The judge shall determine the facts in an action under this subsection; and

23 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
24 review the judgment pursuant to the standard established by ORS 19.415 (3).

25 (2) An action may be brought under subsection (1) of this section alleging a violation of:

26 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,  
27 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,  
28 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to  
29 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,  
30 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,  
31 659A.309, 659A.315, 659A.318, 659A.320, 659A.355 or 659A.421 **or section 1 of this 2020 Act;** or

32 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

33 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
34 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,  
35 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,  
36 659A.290, 659A.318, 659A.355, 659A.370 or 659A.421:

37 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
38 compensatory damages or \$200, whichever is greater, and punitive damages;

39 (b) At the request of any party, the action shall be tried to a jury;

40 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
41 ment pursuant to the standard established by ORS 19.415 (1); and

42 (d) Any attorney fee agreement shall be subject to approval by the court.

43 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
44 olation of ORS 652.220, the court may award punitive damages if:

45 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted

1 with malice or acted with willful and wanton misconduct; or

2 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
3 659A.850 for a violation of ORS 652.220.

4 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
5 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
6 tion, compensatory damages or \$200, whichever is greater.

7 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
8 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
9 section, compensatory damages or \$250, whichever is greater.

10 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
11 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
12 penalty in the amount of \$720.

13 (8) Any individual against whom any distinction, discrimination or restriction on account of  
14 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
15 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
16 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
17 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
18 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
19 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-  
20 section:

21 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
22 compensatory and punitive damages;

23 (b) The operator or manager of the place of public accommodation, the employee or person  
24 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
25 damages awarded in the action;

26 (c) At the request of any party, the action shall be tried to a jury;

27 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

28 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
29 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
30 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
31 and

32 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
33 judgment pursuant to the standard established by ORS 19.415 (1).

34 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
35 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
36 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
37 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
38 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
39 manner as a person or group of persons may file a civil action under this section. In a civil action  
40 filed under this subsection, the court may assess against the respondent, in addition to the relief  
41 authorized under subsections (1) and (3) of this section, a civil penalty:

42 (a) In an amount not exceeding \$50,000 for a first violation; and

43 (b) In an amount not exceeding \$100,000 for any subsequent violation.

44 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
45 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing

1 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
2 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
3 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
4 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
5 appealing an adverse decision of the trial court.

6 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
7 or 659A.421 or discrimination under federal housing law:

8 (a) "Aggrieved person" includes a person who believes that the person:

9 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

10 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
11 occur.

12 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
13 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
14 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
15 party costs and reasonable attorney fees at trial and on appeal.

16 **SECTION 8.** ORS 659A.885, as amended by section 7, chapter 343, Oregon Laws 2019, section  
17 7, chapter 463, Oregon Laws 2019, and section 12, chapter 701, Oregon Laws 2019, is amended to  
18 read:

19 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
20 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
21 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
22 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
23 court may order back pay in an action under this subsection only for the two-year period imme-  
24 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
25 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
26 year period immediately preceding the filing of the action. In any action under this subsection, the  
27 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
28 cept as provided in subsection (3) of this section:

29 (a) The judge shall determine the facts in an action under this subsection; and

30 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
31 review the judgment pursuant to the standard established by ORS 19.415 (3).

32 (2) An action may be brought under subsection (1) of this section alleging a violation of:

33 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,  
34 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,  
35 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to  
36 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,  
37 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,  
38 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.370 or 659A.421 **or section 1 of**  
39 **this 2020 Act;** or

40 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

41 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
42 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,  
43 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,  
44 659A.290, 659A.318, 659A.343, 659A.355, 659A.370 or 659A.421:

45 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,

1 compensatory damages or \$200, whichever is greater, and punitive damages;

2 (b) At the request of any party, the action shall be tried to a jury;

3 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
4 ment pursuant to the standard established by ORS 19.415 (1); and

5 (d) Any attorney fee agreement shall be subject to approval by the court.

6 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
7 olation of ORS 652.220, the court may award punitive damages if:

8 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
9 with malice or acted with willful and wanton misconduct; or

10 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
11 659A.850 for a violation of ORS 652.220.

12 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
13 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
14 tion, compensatory damages or \$200, whichever is greater.

15 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
16 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
17 section, compensatory damages or \$250, whichever is greater.

18 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
19 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
20 penalty in the amount of \$720.

21 (8) Any individual against whom any distinction, discrimination or restriction on account of  
22 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
23 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
24 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
25 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
26 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
27 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-  
28 section:

29 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
30 compensatory and punitive damages;

31 (b) The operator or manager of the place of public accommodation, the employee or person  
32 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
33 damages awarded in the action;

34 (c) At the request of any party, the action shall be tried to a jury;

35 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

36 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
37 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
38 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
39 and

40 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
41 judgment pursuant to the standard established by ORS 19.415 (1).

42 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
43 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
44 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
45 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner

1 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
2 manner as a person or group of persons may file a civil action under this section. In a civil action  
3 filed under this subsection, the court may assess against the respondent, in addition to the relief  
4 authorized under subsections (1) and (3) of this section, a civil penalty:

5 (a) In an amount not exceeding \$50,000 for a first violation; and

6 (b) In an amount not exceeding \$100,000 for any subsequent violation.

7 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
8 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
9 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
10 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
11 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
12 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
13 appealing an adverse decision of the trial court.

14 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
15 or 659A.421 or discrimination under federal housing law:

16 (a) "Aggrieved person" includes a person who believes that the person:

17 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

18 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
19 occur.

20 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
21 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
22 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
23 party costs and reasonable attorney fees at trial and on appeal.

24 **SECTION 9.** ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section  
25 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463,  
26 Oregon Laws 2019, and section 13, chapter 701, Oregon Laws 2019, is amended to read:

27 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
28 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
29 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
30 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
31 court may order back pay in an action under this subsection only for the two-year period imme-  
32 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
33 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
34 year period immediately preceding the filing of the action. In any action under this subsection, the  
35 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
36 cept as provided in subsection (3) of this section:

37 (a) The judge shall determine the facts in an action under this subsection; and

38 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
39 review the judgment pursuant to the standard established by ORS 19.415 (3).

40 (2) An action may be brought under subsection (1) of this section alleging a violation of:

41 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,  
42 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,  
43 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to  
44 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,  
45 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,

1 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 **or sec-**  
2 **tion 1 of this 2020 Act;** or

3 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

4 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
5 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,  
6 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,  
7 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421:

8 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
9 compensatory damages or \$200, whichever is greater, and punitive damages;

10 (b) At the request of any party, the action shall be tried to a jury;

11 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
12 ment pursuant to the standard established by ORS 19.415 (1); and

13 (d) Any attorney fee agreement shall be subject to approval by the court.

14 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
15 olation of ORS 652.220, the court may award punitive damages if:

16 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
17 with malice or acted with willful and wanton misconduct; or

18 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
19 659A.850 for a violation of ORS 652.220.

20 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
21 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
22 tion, compensatory damages or \$200, whichever is greater.

23 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
24 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
25 section, compensatory damages or \$250, whichever is greater.

26 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
27 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
28 penalty in the amount of \$720.

29 (8) Any individual against whom any distinction, discrimination or restriction on account of  
30 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
31 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
32 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
33 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
34 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
35 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-  
36 section:

37 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
38 compensatory and punitive damages;

39 (b) The operator or manager of the place of public accommodation, the employee or person  
40 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
41 damages awarded in the action;

42 (c) At the request of any party, the action shall be tried to a jury;

43 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

44 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
45 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable

1 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
2 and

3 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
4 judgment pursuant to the standard established by ORS 19.415 (1).

5 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
6 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
7 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
8 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
9 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
10 manner as a person or group of persons may file a civil action under this section. In a civil action  
11 filed under this subsection, the court may assess against the respondent, in addition to the relief  
12 authorized under subsections (1) and (3) of this section, a civil penalty:

13 (a) In an amount not exceeding \$50,000 for a first violation; and

14 (b) In an amount not exceeding \$100,000 for any subsequent violation.

15 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
16 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
17 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
18 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
19 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
20 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
21 appealing an adverse decision of the trial court.

22 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
23 or 659A.421 or discrimination under federal housing law:

24 (a) "Aggrieved person" includes a person who believes that the person:

25 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

26 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
27 occur.

28 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
29 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
30 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
31 party costs and reasonable attorney fees at trial and on appeal.

32 **SECTION 10.** ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section  
33 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463,  
34 Oregon Laws 2019, section 58, chapter 700, Oregon Laws 2019, and section 13, chapter 701, Oregon  
35 Laws 2019, is amended to read:

36 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
37 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
38 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
39 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
40 court may order back pay in an action under this subsection only for the two-year period imme-  
41 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
42 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
43 year period immediately preceding the filing of the action. In any action under this subsection, the  
44 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
45 cept as provided in subsection (3) of this section:

1 (a) The judge shall determine the facts in an action under this subsection; and

2 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
3 review the judgment pursuant to the standard established by ORS 19.415 (3).

4 (2) An action may be brought under subsection (1) of this section alleging a violation of:

5 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,  
6 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 657B.060 and  
7 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088,  
8 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218,  
9 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300,  
10 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or  
11 659A.421 **or section 1 of this 2020 Act**; or

12 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

13 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
14 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060 and 657B.070, 659.852, 659A.030, 659A.040,  
15 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228,  
16 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or  
17 659A.421:

18 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
19 compensatory damages or \$200, whichever is greater, and punitive damages;

20 (b) At the request of any party, the action shall be tried to a jury;

21 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
22 ment pursuant to the standard established by ORS 19.415 (1); and

23 (d) Any attorney fee agreement shall be subject to approval by the court.

24 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
25 olation of ORS 652.220, the court may award punitive damages if:

26 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
27 with malice or acted with willful and wanton misconduct; or

28 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
29 659A.850 for a violation of ORS 652.220.

30 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
31 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
32 tion, compensatory damages or \$200, whichever is greater.

33 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
34 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
35 section, compensatory damages or \$250, whichever is greater.

36 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
37 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
38 penalty in the amount of \$720.

39 (8) Any individual against whom any distinction, discrimination or restriction on account of  
40 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
41 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
42 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
43 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
44 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
45 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-

1 section:

2 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
3 compensatory and punitive damages;

4 (b) The operator or manager of the place of public accommodation, the employee or person  
5 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
6 damages awarded in the action;

7 (c) At the request of any party, the action shall be tried to a jury;

8 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

9 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
10 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
11 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
12 and

13 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
14 judgment pursuant to the standard established by ORS 19.415 (1).

15 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
16 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
17 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
18 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
19 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
20 manner as a person or group of persons may file a civil action under this section. In a civil action  
21 filed under this subsection, the court may assess against the respondent, in addition to the relief  
22 authorized under subsections (1) and (3) of this section, a civil penalty:

23 (a) In an amount not exceeding \$50,000 for a first violation; and

24 (b) In an amount not exceeding \$100,000 for any subsequent violation.

25 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
26 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
27 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
28 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
29 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
30 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
31 appealing an adverse decision of the trial court.

32 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
33 or 659A.421 or discrimination under federal housing law:

34 (a) "Aggrieved person" includes a person who believes that the person:

35 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

36 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
37 occur.

38 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
39 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
40 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
41 party costs and reasonable attorney fees at trial and on appeal.

42 **SECTION 11. (1) Section 1 of this 2020 Act becomes operative on July 1, 2021.**

43 **(2) The amendments to section 1 of this 2020 Act and ORS 659A.885 by sections 1a and 6**  
44 **to 10 of this 2020 Act become operative on January 1, 2022.**

45 **(3) The Commissioner of the Bureau of Labor and Industries may adopt rules and take**

1 any action before the operative dates specified in subsections (1) and (2) of this section that  
2 is necessary for the commissioner to exercise, on or after the operative dates specified in  
3 subsection (1) of this section, all the duties, functions and powers conferred on the commis-  
4 sioner by sections 1 and 1a of this 2020 Act and the amendments to ORS 659A.885 by sections  
5 6 to 10 of this 2020 Act.

6 SECTION 12. The unit captions used in this 2020 Act are provided only for the conven-  
7 ience of the reader and do not become part of the statutory law of this state or express any  
8 legislative intent in the enactment of this 2020 Act.

9