

**Minority Report**  
**A-Engrossed**  
**Senate Bill 333**

Ordered by the Senate May 2  
Including Senate Minority Report Amendments dated May 2

Sponsored by nonconcurring members of the Senate Committee on Judiciary: Senators BEYER, WHITSETT

**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.

Increases maximum amount [*plaintiff*] **prevailing party** may claim in certain tort actions for which court must award attorney fees [*if plaintiff prevails*]. Makes similar increase in amount for [*defendant*] **prevailing party** on counterclaim.

**A BILL FOR AN ACT**

1  
2 Relating to attorney fees for tort claims of specified amount; creating new provisions; and amending  
3 ORS 20.080.

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

5 **SECTION 1.** ORS 20.080 is amended to read:

6 20.080. (1) In any action for damages for an injury or wrong to the person or property, or both,  
7 of another where the amount pleaded is [*\$5,500*] **\$10,000** or less, [*and the plaintiff prevails in the*  
8 *action,*] there shall be taxed and allowed to the [*plaintiff*] **prevailing party**, at trial and on appeal,  
9 a reasonable amount to be fixed by the court as attorney fees for the prosecution **or defense** of the  
10 action. [*if the court finds that written demand for the payment of such claim was made on the de-*  
11 *fendant not less than 10 days before the commencement of the action or the filing of a formal complaint*  
12 *under ORS 46.465, or not more than 10 days after the transfer of the action under ORS 46.461.*] However,  
13 no attorney fees shall be allowed to the plaintiff if the court finds that the defendant  
14 tendered to the plaintiff, prior to the commencement of the action or the filing of a formal complaint  
15 under ORS 46.465, or not more than 10 days after the transfer of the action under ORS 46.461, an  
16 amount not less than the damages awarded to the plaintiff.

17 (2) If the defendant pleads a counterclaim, not to exceed [*\$5,500*] **\$10,000**, [*and the defendant*  
18 *prevails in the action,*] there shall be taxed and allowed to the [*defendant*] **prevailing party**, at trial  
19 and on appeal, a reasonable amount to be fixed by the court as attorney fees for the prosecution  
20 **or defense** of the counterclaim.

21 (3) The provisions of this section do not apply to any action based on contract.

22 **SECTION 2.** (1) **Except as provided in subsection (2) of this section, the amendments to**  
23 **ORS 20.080 by section 1 of this 2005 Act apply to all causes of action subject to ORS 20.080,**  
24 **whether arising before, on or after the effective date of this 2005 Act.**

25 (2) **The amendments to ORS 20.080 by section 1 of this 2005 Act do not apply to any cause**  
26 **of action for which an action was commenced before the effective date of this 2005 Act.**

**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.

