

# Senate Bill 333

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**.

Increases maximum amount plaintiff may claim in certain tort actions for which court must award attorney fees if plaintiff prevails. Makes similar increase in amount for defendant 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*] **\$7,500** or less, and the plaintiff prevails in the  
8 action, there shall be taxed and allowed to the plaintiff, at trial and on appeal, a reasonable amount  
9 to be fixed by the court as attorney fees for the prosecution of the action, if the court finds that  
10 written demand for the payment of such claim was made on the defendant not less than 10 days  
11 before the commencement of the action or the filing of a formal complaint under ORS 46.465, or not  
12 more than 10 days after the transfer of the action under ORS 46.461. However, no attorney fees shall  
13 be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the  
14 commencement of the action or the filing of a formal complaint under ORS 46.465, or not more than  
15 10 days after the transfer of the action under ORS 46.461, an amount not less than the damages  
16 awarded to the plaintiff.

17 (2) If the defendant pleads a counterclaim, not to exceed [*\$5,500*] **\$7,500**, and the defendant pre-  
18 vails in the action, there shall be taxed and allowed to the defendant, at trial and on appeal, a  
19 reasonable amount to be fixed by the court as attorney fees for the prosecution of the counterclaim.

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

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

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

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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.