

**SENATE MINORITY REPORT
AMENDMENTS TO
SENATE BILL 333**

May 2

President Courtney:

A minority of your Committee on Judiciary, to whom was referred Senate Bill 333, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

1 Delete lines 5 through 20 of the printed bill and insert:

2 **“SECTION 1.** ORS 20.080 is amended to read:

3 “20.080. (1) In any action for damages for an injury or wrong to the person or property, or both,
4 of another where the amount pleaded is [~~\$5,500~~] **\$10,000** or less, [*and the plaintiff prevails in the*
5 *action,*] there shall be taxed and allowed to the [*plaintiff*] **prevailing party**, at trial and on appeal,
6 a reasonable amount to be fixed by the court as attorney fees for the prosecution **or defense** of the
7 action.*[, if the court finds that written demand for the payment of such claim was made on the de-*
8 *endant not less than 10 days before the commencement of the action or the filing of a formal complaint*
9 *under ORS 46.465, or not more than 10 days after the transfer of the action under ORS 46.461.]*
10 However, no attorney fees shall be allowed to the plaintiff if the court finds that the defendant
11 tendered to the plaintiff, prior to 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, an
13 amount not less than the damages awarded to the plaintiff.

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

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

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/s/ Roger Beyer
Senator

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/s/ Doug Whitsett
Senator

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