

Requested by Representative POWER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4085**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page  
2 2 and insert:

3 **“SECTION 1.** ORS 90.255 is amended to read:

4 “90.255. In [*any*] **an** action on a rental agreement or arising under this  
5 chapter, [*reasonable attorney fees*] at trial and on appeal [*may be awarded to*  
6 *the prevailing party together with costs and necessary disbursements*], not-  
7 withstanding any agreement to the contrary[. *As used in this section, ‘pre-*  
8 *vailing party’ means the party in whose favor final judgment is rendered.*]:

9 **“(1) If the tenant is the prevailing party, the court shall award the**  
10 **tenant costs, necessary disbursements and reasonable attorney fees.**

11 **“(2) If the landlord is the prevailing party, the court may award the**  
12 **landlord costs, necessary disbursements and reasonable attorney fees**  
13 **only if the court determines that the tenant had no objectively rea-**  
14 **sonable basis for asserting the claim, defense or ground for appeal.**

15 **“(3) The prevailing party shall be determined as provided in ORS**  
16 **20.077.**

17 **“SECTION 2.** The amendments to ORS 90.255 by section 1 of this  
18 **2018 Act apply to:**

19 **“(1) Actions filed on or after the effective date of this 2018 Act; and**

20 **“(2) Attorney fees on appeal for appeals taken from a trial court**  
21 **or appellate judgment that was rendered on or after the effective date**

1 **of this 2018 Act.”.**

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