

**OREGON STATE BAR**  
**Legislative Proposal**  
**Part I – Legislative Summary**

**RE:** HB 2303 State remedies under the Servicemembers Civil Relief Act (SCRA)

**Submitted by:** Military Assistance Panel

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1. **Does this amend current law or program?** No
2. **PROBLEM PRESENTED** (including level of severity): Oregon servicemembers are entitled under the Servicemembers Civil Relief Act (SCRA), 50 USCA Section 501 et seq, to stays of civil proceedings and reductions of interest rates during periods of active service. These claims are difficult to pursue unrepresented, but the law contains no provisions allowing for the award of attorney fees to successful servicemembers. Nor does the law provide for damages for violation of the act. Current law may also require arbitration in certain SCRA cases and allow the plaintiff to bring litigation in an inconvenient forum. Financial institutions and other businesses sometimes fail to observe servicemembers' rights under the act, and judicial awareness of the act is uneven.
3. **SOLUTION:** This proposal does three things: 1) Provides that actions brought to enforce rights and remedies under the SCRA are not subject to arbitration under ORS Chapter 36 or otherwise, and venue for such actions is in the servicemember's state of residence. 2) Provides for the recovery of damages under the SCRA and a prevailing party fee when the violation of the SCRA is willful. 3) Provides for the servicemember's recovery of attorney fees in an action to enforce rights or remedies under the SCRA.
4. **PUBLIC POLICY IMPLICATION** of this proposed legislative change: This bill would help servicemembers and their family members enforce their rights under the SCRA more effectively, and would give adverse parties more reason to deal with them fairly under the law.
5. Could the problem be addressed through a **NON-LEGISLATIVE SOLUTION**, such as administrative rule or education? No.
6. **COULD ANOTHER SECTION OR GROUP MORE APPROPRIATELY INTRODUCE THE BILL?** If so, have you suggested it to the section or group? No.
7. **IDENTIFY THE GROUP OR CONSTITUENCIES THAT WOULD BE MOST IMPACTED** or interested in this change. Who would support it and who would oppose it?  
  
Veterans groups, the military department and servicemembers would favor this bill, since it is intended to protect the rights of servicemembers while on active duty. Likely opponents include businesses and financial institutions whose liability would be expanded and whose ability to pursue remedies against servicemembers would be curtailed.
8. **Has this been introduced in a prior session?** No.