

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 271

By COMMITTEE ON JUDICIARY

May 17

1 On page 17 of the printed A-engrossed bill, after line 29, insert:

2 “**SECTION 18a. Notwithstanding section 19, chapter 129, Oregon Laws 2007 (Enrolled**
3 **House Bill 2357) (amending ORS 21.605), if House Bill 2357 becomes law, ORS 21.605 is re-**
4 **pealed.**

5 “**SECTION 18b.** If House Bill 2357 becomes law, ORS 105.130, as amended by section 55, chap-
6 ter 702, Oregon Laws 2005, and section 8 of this 2007 Act, is amended to read:

7 “105.130. (1) Except as provided in this section and ORS 105.135, 105.137 and 105.140 to 105.161,
8 an action pursuant to ORS 105.110 shall be conducted in all respects as other actions in courts of
9 this state.

10 “(2) Upon filing a complaint in the case of a dwelling unit to which ORS chapter 90 applies, the
11 clerk shall:

12 “(a) Collect a filing fee of \$13;

13 “(b) Collect any other fee authorized by law or ordinance; and

14 “(c) With the assistance of the plaintiff or an agent of the plaintiff, complete the applicable
15 summons and provide to the plaintiff or an agent of the plaintiff sufficient copies of the summons
16 and complaint for service.

17 “(3) After a complaint is filed under subsection (2) of this section, if the defendant demands a
18 trial, the plaintiff shall pay an additional filing fee of \$29 and the defendant shall pay a filing fee
19 of \$33.

20 “(4) An action pursuant to ORS 105.110 shall be brought in the name of a person entitled to
21 possession as plaintiff. The plaintiff may appear in person or through an attorney. In an action to
22 which ORS chapter 90 applies, the plaintiff may also appear through a nonattorney who is an agent
23 or employee of the plaintiff or an agent or employee of an agent of the plaintiff.

24 “(5) Notwithstanding ORS 9.160, 9.320 and ORS chapter 180, a state agency may appear in an
25 action brought pursuant to ORS 105.110 through an officer or employee of the agency if:

26 “(a) The Attorney General consents to the representation of the agency by an officer or em-
27 ployee in the particular action or in the class of actions that includes the particular action; and

28 “(b) The agency, by rule, authorizes an officer or employee to appear on its behalf in the par-
29 ticular type of action being conducted.

30 “(6) In addition to the fees charged under subsection (2) of this section, the clerk shall collect
31 a surcharge from the plaintiff at the time a complaint is filed that is subject to the filing fees es-
32 tablished by subsection (2) of this section and from a defendant at the time a defendant demands a
33 trial in the action. The surcharge shall be deposited by the State Court Administrator into the State
34 Treasury to the credit of the Housing and Community Services Department Low Income Rental
35 Housing Fund established by ORS 458.350. The amount of the surcharge shall be \$10.

1 “(7) A *[paper]* **document** or pleading shall be filed by the clerk only if the fees and surcharges
2 required under this section are paid by the person filing the *[paper]* **document** or pleading or if an
3 application for a waiver or deferral of fees and court costs is granted by the court under sections
4 1 to 7 of this 2007 Act. Fees and surcharges provided for in this section may not be refunded.

5 “**SECTION 18c. If Senate Bill 269 becomes law, section 15 of this 2007 Act (amending ORS**
6 **107.500) is repealed and ORS 107.500, as amended by section 5, chapter 11, Oregon Laws 2007**
7 **(Enrolled Senate Bill 269), is amended to read:**

8 “107.500. (1) The State Court Administrator shall prescribe the content of forms for use under
9 ORS 107.485 and 107.490, including forms related to the waiver or deferral of fees and **court** costs
10 under [*ORS 21.605*] **sections 1 to 7 of this 2007 Act**, and an instructional brochure describing the
11 procedures set forth in ORS 107.485 and 107.490.

12 “(2) Each circuit court shall make available the appropriate forms and the instructional bro-
13 chure described in subsection (1) of this section.”.

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