

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/16, 3/10

WHAT THE MEASURE DOES: Repeals ORS 20.160 and 20.170. Clarifies that repeal applies to any contempt or ancillary proceedings arising out of an application to ORS 20.160 or 20.170. Takes effect upon passage.

ISSUES DISCUSSED:

- Travel is easier now than in 1862
- May not be constitutional to treat nonresidents different than residents

EFFECT OF COMMITTEE AMENDMENT: Includes contempt proceedings or any ancillary proceedings arising out of an application to ORS 20.160 or 20.170. Takes effect upon passage.

BACKGROUND: ORS 20.160 holds an attorney representing a nonresident plaintiff personally liable for any costs the court awards and the plaintiff fails to pay. ORS 20.170 is a companion provision setting forth the requirements for a surety bond under ORS 20.160. These provisions were originally enacted in 1862. They give preferential treatment to residents and their attorneys over nonresidents. Although the reasons for the original law have been obscured with the passage of time, these provisions may have been enacted due to the difficulty in collecting costs from distant parties.